urview of the Bonus Act. Dock workers re also outside the purview of the Bonus Act. Central Government and State Government employees are also outside he purview of the Bonus Act. Banking employees, RBI, IFCI, NABARD, UTI, IDBI, National Housing Bank, all these employees are outside the purview of the Bonus Act. Hospitals, Chambers of Commerce, educational institutions etc. are outside the purview. Funnily enough, construction workers, who work under contractors are also outside the purview. No law exists for construction employees. The Minister has been saying that he is going to bring a Bill for the construction workers. Uptill now he has done nothing. He has brought this amendment keeping in view the next elections. So, Madam, these are election gimmicks. A free hand has been given, as I said, to the employers. This should not be done. Keeping in view the price rise, everyday change in the price index, I would like to say that this slab limit should be removed and the Minister should accept the amendments. I also wish that the Minister would include the suggestion of my hon. colleague, Mr. Narayanasamy, that child labour should be brought under the purview of the Bonus Act and the rural workers also should be brought under the purview of the Bonus Act. Farm workers should be brought under this Act. I wish he would bring a legislation to include all these so that all these neglected workers, informal workers, are also brought under the purview of this Bonus Act. Neglected workers, twilight zone workers also should be brought under the purview of the Bonus Act. I hope, he will bring a separate legislation for them. With these words, I take your leave. Thank you.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Thank you. Now, Mr. Moolchand Meena.

SHRI GURUDAS DAS GUPTA (West Bengal): Will this discussion continue or the Enron issue is coming up? It is listed at 4 o'clock. It is listed on the agenda.

## CLARIFICATIONS ON STATEMENT BY MINISTER

### Enron Power Project at Dabhol in Maharashtra

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Okay, it is 4 o'clock now, we will take up the Bonus issue tomorrow.

Now we would like to take up further clarifications on Enron. Before me there is a list. ...*(Interruptions)*...

SHRI JOHN F. FARNANDES (Goa): Has the Minister got a copy of the Review Committee of the Governemnt of Maharashtra? *(Interruptions)*

THE MINISTER OF POWER (SHRI N.K.P. SALVE): We have asked the Governemnt of Maharashtra to send us a copy of that.

4 P.M.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): He did not get a copy of that.

SHRI H. HANUMANTHAPPA (Karnataka): If he does not have a copy of the Report in full ...*(Interruptions)*... Postponing of the debate was only for that purpose ...*(Interruptions)*... Who

will be satisfied with the reply? ...*(Interruptions)*...

SHRI N.K.P. SALVE: Madam, we have asked them, we have reminded them. But, ...*(Interruptions)*...

SHRI H. HANUMANTHAPPA: It should be postponed. ...*(Interruptions)*... The information has not been sent to the Minister ...*(Interruptions)*... How can he reply?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Please sit down. ...*(Interruptions)*...

SHRI V. NARAYANASAMY (Pondicherry): Madam, I would like to say that the Report has been submitted by the Deputy Chief Minister to the Cabinet. ...*(Interruptions)*... That has been approved and a statement has also been made to this effect in the Maharashtra Assembly. ...*(Interruptions)*... We would like to put the questions on the basis of that document. ...*(Interruptions)*... We would like to know from the hon. Minister ...*(Interruptions)*... The Report of the Review Committee is not with the Minister. ...*(Interruptions)*... How can we get answers without that Report?...*(Interruptions)*...

SHRI SURESH PACHOURI (Madhya Pradesh): Why have they not submitted the Report? ...*(Interruptions)*...

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): Madam, they cannot force like this. हमारे साथ आप ऐसा नहीं कर सकते। ...(व्यवधान)...

SHRI DIGVIJAY SINGH (Bihar): Information is to be supplied by the State Government. ...*(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Please sit down. ...*(Interruptions)*...

SHRI DIGVIJAY SINGH: He himself has given the statement. ...*(Interruptions)*... I was rather surprised as to why he was making a statement. ...*(Interruptions)*... You are trying to avoid further discussion. ...*(Interruptions)*...

श्री जगदीश प्रसाद माथुरः हम जानते हैं, आप जान-बूझकर हमारा मुंह बंद करने के लिए यह कर रहे हैं। ...(व्यवधान)...

SHRI V. NARAYANASAMY: He should pursuade the Deputy Chief Minister. ...*(Interruptions)*... He should ask the Deputy Chief Minister to send the Report. ...*(Interruptions)*... Maharashtra Governemnt does not want to send the Report.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Hon. Minister wants to say something. Please listen to him.

श्री जगदीश प्रसाद माथुरः यह एक षड्यंत्र है जो कांग्रेस पार्टी करना चाहती है। वह हमारा मुंह बंद करना चाहते हैं। ...(व्यवधान)...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Mathur, Mr. Gujral is there. This is not the way to behave in the House.

SHRI INDER KUMAR GUJRAL (Bihar): Madam, let me recollect what happened the day before yesterday. The hon. Minister had made a statement. Afterwards, we were made to ask the questions. Some of us raised the questions. Then, the hon. Deputy Chairman, sitting here in your place, also read out the names of those Members who were still to ask the questions. Mr. Mathur is number one and I am number two. There are several more. And that was where the proceedings ended. It is on record. The Deputy Chairman, having said that the proceedings will begin from here onwards, now let us not go back.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Gujral, I would just like to read out the names.

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): माथुर साहब, आपके इतना उत्तेजित होने का कोई कारण नहीं है। अब आप जरा बैठ जाइए। ...(व्यवधान)... Listen to the Chair. What is this? *(Interruptions)*. You must honour the Chair. The Minister wants to say something. ...*(Interruptions)*... This is not the way. Please sit down. This is not the way of talking.

SHRI JAGDISH PRASAD MATHUR: They are making a noise. ...*(Interruptions)*... Why are they making a noise? This is not the way.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): You must honour the Chair.

SHRI JAGDISH PRASAD MATHUR: I submit to your honour.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Don't be so excited.

श्री एन०के०पी० साल्वे: माथुर साहब, आप क्यों उत्तेजित हो रहे हैं? आपकी सेहत का हमें ख्याल है, आपकी तबीयत का हमें ख्याल है।

SHRI INDER KUMAR GUJRAL: I would only submit to you that you kindly have a look at what happened at the end of the discussions that day and please take it out from them.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): It was on 4th August, 1995, when the Deputy Chairman was presiding. I can put your name. We have Shri Jagdish Prasad Mathur, Shri Inder Kumar Gujral, Shri E. Balanandan, Shri Anant Ram Jaiswal, Shri Satya Prakash Malaviya, Shri Ish Dutt Yadav, Dr. Shrikant Ramchandra Jichkar Shri Makhal Lal Fotedar, Shri Surinder Kumar Singla and Shri H. Hanumanthappa. So, these are the Members now. *(Interruptions)* Let me complete. I have not completed. The Deputy Chairman has cleared the name of Shri Satish Pradhan. These are the additional names—Shri Misa R. Ganesan, Shri Chimanbhai Mehta, Shri Jagmohan, Shir V. Narayanasamy, Shri Ram Gopal Yadav and Shri Viren J. Shah. *(Interruptions)* Let me complete. So, these are the names received by the Deputy Chairman and before me there is a list as I have told you. All those names are here. Mr. Minister, would you like to say something?

SHRI N.K.P. SALVE: Madam, all that I want to submit it, it is farthest from our intention to gag anybody Mr. Mathur, if you had only waited to listen to me, you would have realised that there was not any warrant for you to get excited. We are worried about your health. *(Interruptions)*

SHRI JAGDISH PRASAD MATHUR: All your Members have seemingly made up a conspiracy, I was agitated and they tried to change the very agenda on the paper. That was my grievance.

SHRI N.K.P. SALVE: See, your grievance is thoroughly unjustified, unwarranted and you should have at least waited till I spoke something before you

lost your temper, the way you did. Don't do this—it is not good for your health—both for your character and health. You are a senior Member, you are a friend of mine. Madam, what Mr. Gujral has said is absolutely true and correct. It did happen. I made a statement entirely on the basis of what the Chief Minister said on the floor of the House in Maharashtra Assembly and which statement was not available to me. That day also I said that Mr. Munde's statement was not available to me. We sent reminders to them, but they have not come to us.

SHRI JAGESH DESAI: We want to know the information...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Desai, ... I just want to request all the hon. Members to please let the Minister complete his statement and whatever information you want, please ask him after his statement is over.

SHRI N.K.P. SALVE: Perhaps, Madam, this is an internal report of a Committee of the Cabinet and, therefore, they are within their right to decide what should be done and what should not be done. But what has surprised me is this. I would like to draw the attention of Mr. Mathur and other leaders of the B.J.P. to this. Every Tom, Dick and Harry newspaper is reporting that the report is available with us, but the Government of Maharashtra did not even have the courtesy to send it to us, to the Government of India. Is it fair? How is it that this is being reported in the newspapers right, left and centre? One chartered accountant says that the report is available with him and that it has been diluted. Are these not relevant questions? I do not know what it is and what it is not. They did not report. I will not go by what the Press reports say about this report.

Madam, on the basis of the information that we have, and on the basis of the statement of the Chief Minister of Maharashtra, I made my statement the other day because the House was agitated, the country was agitated. On th basis, I am ready to answer whatev questions are raised by hon. Member Actually, it took the form of a debat All that I would request you, Madam, i let me make my submission, my stat ment. I will try to be brief, but plea allow that to be adequate and sufficien This is my submission.

SHRI JAGESH DESAI (Maharash ra): Madam, yesterday, in the 'Times India', there was an article written b Shri Swaminathan S. Aiyar. It is unde his signature. He has said: 'I have th report of the Committee and, on th basis, I am writing this article'. He h said: 'I received it'. Under his signatur this article is there. I would like to kno why the Government of Maharashtra ha not sent the report to the Central Minis try, in spite of the fact that this is bein discussed here. *(Interruptions)*

**श्री कृष्णलाल शर्मा:** उपसभाध्यक्ष महोदया, आपसे निवेदन करना चाहता हूं कि अगर महारा गवर्नमेंट ने उस रिपोर्ट को आफिशियली पब्लिश नहं किया है और कुछ लोग क्लेम कर रहे हैं कि हमारे पास रिपोर्ट है तो आप रिपोर्ट उनसे ले लीजिए। यह एव प्रिविलेज का इश्यू बन जाएगा। मैं समझता हूं कि लोग फाल्सली भी क्लेम कर सकते हैं अपनी बात के पीछे आर्ग्युमेंट खड़ा करने के लिए कि हम यह इसलिए कह रहे हैं कि हमारे पास रिपोर्ट है। ...**(व्यवधान)**...

SHRI JAGESH DESAI: Please enquire as to how it has come out in the Press? *(Interruptions)*

**श्री कृष्णलाल शर्मा:** रिपोर्ट जब तक आफिशियली पब्लिश नहीं होती, कैबिनेट या चीफ मिनिस्टर उसको पब्लिश नहीं करते तब तक कोई आदमी नहीं कह सकता कि हमारे पास रिपोर्ट है।

SHRI VIREN J. SHAH (Maharashtra): The report of the Vohra Committee is also being widely quoted—certain part which has not been submitted to us. Do you mean to say that some part of the report of the Vohra Committee is available to some people, but not to Parliament? The point is, newspapers might be giving something. The question is: How do we recognise a matter which

is not officially correct? If it is so, Mr. Salve would be fully justified in communicating to the Maharashtra Government and asking them as to how the report has been made available to Shri Swaminathan S. Aiyar and not to the Central Government. We will support you on that, Mr. Salve.

SHRI JAGDISH PRASAD MATHUR: Exactly.

SHRI SATISH PRADHAN (Maharashtra): Madam, I would like to make just one point. I would like to bring to the notice of the hon. Minister and that of the House only one thing. The Chief Minister of Maharashtra was out of India. One of the Committee Members, Mr. Liladhar Dake was also out of India. During this period, there were so many articles, several articles, which were published in the newspapers. They had commented on the report and they had also talked about the decisions purported to have been taken by the Government of Maharashtra. This was also published. When the Chief Minister came back, after some days, the report was handed over to him. Till then, nobody knew about it. If newspapers had been publishing certain things, should we go by that?

SHRI VIREN J. SHAH: It was not accurate. Some of them were not accurate. *(Interruptions)* What came out was not accurate. *(Interruptions)*

THE VICE-CHAIRMAN: (MISS SAROJ KHAPARDE): Have you completed, Mr. Pradhan?

SHRI SATISH PRADHAN: There is one more thing which I would like to bring to your notice. It was a Cabinet Committee. The Committee was appointed by the Government of Maharashtra. The Committee prepared its report and handed it over to the Chief Minister. The Government of Maharashtra has taken a decision on that basis. Is that Committee Report a public document which should be available to everybody? Should the Government of Maharashtra hand over that Report to everybody? Is it necessary? Is it the way of working? You should give a ruling on this, Madam. ...*(Interruptions)*

**श्री कृष्णलाल शर्मा:** आनरेबल मिनिस्टर ने खुद स्वीकार किया है कि यह उनका राइट है कि पब्लिक करें या नहीं करें।

SHRI V. NARAYANASAMY: Madam, the other side has been telling that the newspaper reports which are appearing, are not on the basis of the Report. The Government of India should know what the Deputy Chief Minister's Report, that is, the Munde Committee Report, is. I am saying this because the Central Government has given a counter-guarantee for the Enron deal. Therefore, the Government of India should be fully posted with the facts when it is being cancelled by the State of Maharashtra.

Madam, the hon. Minister has said very clearly that they have written to the State Government and that they have reminded them, but that there was no response from the State Government in this regard. We are discussing the subject in this House on the basis of the statement given by the hon. Minister. It has been said that the FAX message was received and that on the basis of that the statement has been made in this House.

Madam, I would like to submit that without the Review Committee Report the hon. Minister would not be able to answer all the queries raised by the hon. Members in this House. Why is the Maharashtra Government shying away from placing it even in this House? Why is it shying away from giving that Report even to the Central Government? Why are they hiding that Report? ...*(Interruptions)*

Therefore, I want to know from the hon. Minister whether he will ensure that the Report is received from the State Government so that our discussion will be fullfledged.

SHRI VIREN J. SHAH (Maharashtra): Madam Vice-Chairman, we will ask questions. He may reply on points which

he is fully aware of, and he may get the information from the State Government on the points on which he has no information. I am asking one question. I wonder whether the Secretary (Power) could not have picked up the phone and spoken to his colleague, the Chief Secretary of Maharashtra and asked for the Report. And could the Minister not have spoken to the Deputy Chief Minister and asked for a copy of the Report and obtained it?

SHRI INDER KUMAR GUJRAL: Madam, may I add a preamble by saying that I am very fond of the Minister? His child-like innocence sometimes endears me a great deal.

SHRI N.K.P. SALVE: If I have friends like him. I will never need enemies!

SHRI INDER KUMAR GUJRAL: I was wondering about this even the day before yesterday. Nobody asked him to make a statement. Why did he make the statement? He made a *suo motu* statement and raised the dialogue, debate and queries here.

I think, overnight or over the week-end he has grown up slightly more and he has realised that perhaps he should not have done it. Now he is trying to wriggle out of it. ... *(Interruptions)*

SHRI N.K.P. SALVE: It is absured. Don't make allegations.

SHRI INDER KUMAR GUJRAL: I am not making allegations.

SHRI N.K.P. SALVE: Madam, I have not had a word with any of these Members about this.

SHRI INDER KUMAR GUJRAL: Is saying that he has grown up an allegation? Can he deny it? ... *(Interruptions)*

If my saying that over the week-end he has matured is an allegation, I withdraw it.

SHRI N.K.P. SALVE: Madam, any compliment from him makes me extremely suspicious.

SHRI INDER KUMAR GUJRAL: The point I am trying to make is that the document before us is not the Munde Committee Report. The document before us is not what the Committee has said. What does the statement open with? It says that a FAX message was received by the Minister a day before. I am quoting him. He did not see that the FAX message was given to us. Now, we are also basing our queries on what he has said. Now, what does he want to wriggle out of? Therefore, let us proceed.

SHRI N.K.P. SALVE: I might have grown up a little, but Mr. Gujral, I am afraid, is extremely puerile in the comments he has made.

Madam, I don't want to wriggle out of anything. I made a statement in the Lok Sabha because there was a demand, and I had to make the statement here also. I could make the statement only on the basis of the documents which were available to me. That was the speech of the Chief Minister. This is one part.

Secondly, have we come to a level that I have to talk about the telephone conversation in the House?

Secretary (Power) sent a fax message, which was received by the Chief Secretary and he spoke to him on phone. The Chief Secretary said: "The matter is placed before the Government." I entirely agree that it is the right of the Cabinet to decide whether that Report should be made public or not, but there are two aspects, Madam, through you I want to submit to the senior and mature Members of the BJP. Is the Government of India such an irresponsible organisation that they cannot share it with us and tell us that this is the Report, but this is confidential, that you are co-guarantor; you are also liable. Assuring this, this is what they found out. Get in touch with us that they have not done.

Secondly, Madam, an extensive reporting in the Press is one thing. A very

responsible senior journalist rang me up and said that a Chartered Accountant says that the entire Report has been diluted by bureaucrats. Madam, is it a part of the saystematic propaganda of a party which believes in creating a psychological atmosphere as if what they have done is absolutely right, as a divine act? That is not fair. That should be put an end to.

SHRI VIREN J. SHAH: That Chartered Accountant did not say as you said. What he is reported to have said—and it has come in the newspapers—is that the bureaucrats did not furnish certain vital information to the Committee which caused a certain weakness and he has cited those three or four pieces of information which were concealed like the signing of a particular document or a particular event, which is again a Chartered Accountant's point of view. The Government of Maharashtra is not responsible for that.

SHRI N.K.P. SALVE: How is the discrepancy between the two known to the Chartered Accountant? *(Interruptions)* Madam, I will abide by whatever you decide. So, far as I am concerned, I am right.

**श्रीमती सुषमा स्वराजः** ... (व्यवधान) चर्चा करवाने के लिए विषयांतर हो रहा है। फैक्स मैसेज से जो आपने रिपीट किया है उसके जो आपके पास नौट्स हैं आप केवल उस पर जवाब दीजिए। रिपोर्ट को दबाने का .. (व्यवधान) रिपोर्ट का आप बहाना लेकर अगर आप चर्चा को दबाने की कोशिश करेंगे तो यह गलत है .. (व्यवधान)

**श्री एन०के०पी० साल्वेः** सब रामायण के बाद आप फरमा रही है कि सीताजी कौन है रामायण की। मैंने यह बोला कि वह फैक्स मैसेज जो था... (व्यवधान)

**श्री दिग्विजय सिंहः** एक बात मेरी भी सुन लीजिये फिर आप जवाब दीजिएगा।

**श्री एन०के०पी० साल्वेः** जवाब देने दीजिए जरा उनका ..(व्यवधान)

**श्री दिग्विजय सिंहः** आप एक एक करके जवाब न दें। आप इकट्ठे सबका जवाब दे दीजिए। यह बात बिल्कुल गलत है कि किसी सदस्य ने यह कहा कि एनरान पर साल्वे साहब का कोई बयान होना चाहिए। 10 बजे हम लोग गए थे चेयरमैन साहब के पास। हम लोग जीरो आवर में उठाना चाहते थे तब तक अब्राहम, साहब, सेक्रेट्री, पावर की एक चिट्ठी वहां पर आकर रखी हुई थी सेक्रेट्री जनरल के पास कि मिनिस्टर साहब आज बयान देंगे इसके ऊपर। इसलिए न तो आपको लोकसभा ने पहले कहा था न राज्य सभा ने कहा था। आपने खुद फैसला किया था बयान देने का और अगर आपने बयान दिया है .. (व्यवधान)

SHRI JOHN F. FERNANDES: It was demanded in the Lok Sabha.

SHRI DIGVIJAY SINGH: The Lok Sabha had demanded only at the eleventh hour. We were in the Chairman's Chamber since 10 o'clock.

इसलिए फैक्स को तोड़ मरोड़कर रखने की कोशिश मत करें...(व्यवधान)

मेरी बात सुन लीजिए आप पूरी... (व्यवधान) आप जवाब दीजिए पहले मेरी बात सुन लें। उसके बाद हम लोग जो जीरो आवर में वह डिमांड उठाना चाहते थे उस पर चेयरमैन साहब ने कहा मिनिस्टर साहब खुद बयान देंगे। कितने बजे देंगे इसकी जानकारी नहीं है। लेकिन बयान आएगा मंत्री जी की तरफ से। मैंने चेयरमैन साहब से कहा था कि साथ ही साथ रिपोर्ट भी आनी चाहिए जब मिनिस्टर बयान दें तो अच्छा है। उन्होंने कहा चूंकि मिनिस्टर ने खुद आफर किया है बयान देने के लिए इसलिए हम यह नहीं कह सकते कि रिपोर्ट को लाया जाए। अब जब मंत्री जी रिपोर्ट के बिना बयान दे चुके हैं तो मुझे नहीं लगता कि कांग्रेस की तरफ से यह बात उठनी चाहिए चूंकि आप ट्रेजरी बेंचेज के लोग हैं। आज जब यह सवाल उठता है तो जाहिर है कि लोगों को लगता है कि मिनिस्टिर ने आपको कहा है। इसलिए मैं कह रहा हूं...(व्यवधान) आप मानिए न मानिए यही मैसेज जाएगा और यह मैसेज यहां नहीं जाएगा पूरे देश भर में जाएगा।

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Digvijay Singh Ji, may I proceed further for a clarification on the statement made by the hon. Minister?

**श्री दिग्विजय सिंह:** मेरा पहला नाम है। आप लिस्ट देख लें।

**उपसभाध्यक्ष (कुमारी सरोज खापर्डे):** मैंने लिस्ट देखी है। हो सकता है कि डिप्टी चेयरमैन साहब का ध्यान थोड़ा नहीं गया होगा उस पर। लेकिन यहां पर जो नाम दिए हुए हैं उनमें आपका पहला नाम नहीं है।

**श्री दिग्विजय सिंह:** तो मेरा नाम है कि नहीं...**(व्यवधान)**

**उपसभाध्यक्ष (कुमारी सरोज खापर्डे):** आपका नाम जरूर है। आपको मौका मिलेगा लेकिन पहले जगदीश प्रसाद माथुरजी को बोलने दीजिए। आपका नाम है।

**श्री जगदीश प्रसाद माथुर:** महोदया, मैं साल्वे साहब का आभारी हूं कि उन्होंने यह स्पष्ट कर दिया कि जो उनके पीछे उनके सहयोगियों ने हम लोगों की आवाज बंद करने की कोशिश की उससे वे सहमत नहीं हैं। उसमें हाथ नहीं है।

मैं उन पर विश्वास करता हूं और बधाई देता हूं कि आपने बात साफ कर दी।...**(व्यवधान)** मैंने कहा कि मैं आपको बधाई देता हूं कि आपने बात साफ कर दी जो शायद आपके साथी किए थे। उसमें आपका कोई भाग नहीं है। मैं आपको इसके लिए बधाई देता हूं, धन्यवाद देता हूं। अन्यथा जिस हिम्मत के साथ शोरगुल मचाना चाहते थे, मेरे संदेह करने का पूरा मौका था कि आप हम लोगों को कुछ दे देना नहीं चाहते। मैं साल्वे साहब से बाअदब कहना चाहूंगा कि आपने अपने वक्तव्य में कहा है कि,

> "The above five grounds appear to be substantially similar to the ones raised in writ petitions filed in Bombay and Delhi High Courts and the Supreme Court of India which had upheld the validity of the contracts entered into with M/s. DPC."

यह जुमला आपको जोड़ने की क्या आवश्यकता थी? क्योंकि इसमें से लगता है कि सरकार का यह एटीट्यूड है प्रचार करने का कि यदि इन 5 ग्राउंड्स के ऊपर सुप्रीम कोर्ट ने इसको रद्द कर दिया कि यह बेकार था, जबकि सच्चाई यह है कि उन्होंने मुख्य मंत्री का जो बयान आया है, जो हम लोगों ने पढ़ा है, उसमें और भी बहुत सी बातें कही है, तो मेरा निवेदन यह होगा कि श्रीमन् अब जबकि रद्द हो गया है तो यह झगड़ा कहिए या विवाद कहिए यह भारत सरकार, अमरीका सरकार के बीच में नहीं है, यह विवाद महाराष्ट्र सरकार और एनरॉन कंपनी के बीच में है। इसलिए भारत सरकार और विशेषतः मेरे अति आदरणीय बंधु श्री साल्वे साहब एक अपने पुराने कमिटमेंट का आधार न ले कर एक स्वस्थ और स्वतंत्र एटीट्यूड अपनाएं जिससे कि भारत की प्रतिभा बजाय गिरने के, ऊपर उठे। तो मैं यह पूछना चाहूंगा कि क्या भारत सरकार आज भी जो पिछली महाराष्ट्र सरकार थी उसके कहने से बंधी रहेगी, जब यह मुकदमा या विवाद कहीं पर खड़ा होता है? दूसरा मैं यह पूछना चाहूंगा कि क्या यह बात सही है कि उस समय की महाराष्ट्र सरकार के बीच में 1992 से इस विषय पर चर्चा कर रही थी लेकिन चुनाव के परिणाम जैसे ही विपरीत आने की संभावना हुई वैसे ही 24 और 25 तारीख की रात दो दिनों में क्या हो गया कि एकदम से आपने दस्तखत कर दिए?...**(व्यवधान)** 24 और 25 फरवरी में क्या हुआ कि 1992 से चलते-चलते एकदम रातों-रात आपने फैसला कर दिया और हस्ताक्षर हो गए? क्योंकि संदेह लगता है कि जब पवार साहब की सरकार को यह मालूम हुआ कि चुनाव में अब हारने वाले हैं तो सोचा कि अब जल्दी से कन्क्लूड कर लो। तो इतनी जल्दी करने की आवश्यकता क्या थी।

**श्री एन० के०पी० साल्वे:** आप कौन से एग्रीमैंट की तरफ रैफर कर रहे हैं?

**श्री जगदीश प्रसाद माथुर:** आप बाद में ही पूछ लें तो अच्छा है। आप तो सर्वेसर्वा हैं। मैं तो खादिम हूं आपसे सवाल करने के लिए। दूसरे क्या यह सच है कि श्री रमेश ने जो लिखा है गलत होगा कि इसके ऊपर आब्जेक्शन प्लानिंग कमीशन में थे, फाइनांस मिनिस्टर ने जिसमें मनमोहन सिंह जी थी है, उन्होंने भी इस पर आब्जैक्शन किया था। इन आब्जैक्शन के बावजूद उस समय की महाराष्ट्र सरकार का सहयोग केन्द्र सरकार ने किया इसको हस्ताक्षरित करने के लिए और क्या यह सही है कि फाईनेंस सेक्रेट्री, महाराष्ट्र ने भी इस विषय में आब्जैक्शन किए थे? आपने केन्द्र सरकार ने उसको स्वीकार क्यों नहीं किया? इस भांति फोर्थ पार्लियामेंटरी स्टैंडिंग कमेटी ने, एनर्जी की, उसने भी यूनैनिमसली इस डील को क्रिटिसाइज किया था, फिर भी केन्द्र सरकार ने ध्यान क्यों नहीं दिया जबकि देना था?

अंत में एक सवाल और पूछूंगा। मैं एक बार फिर अति विनिम्रता के साथ निवेदन करुंगा कि जब यह विवाद अमरीकन कंपनी और महाराष्ट्र सरकार बीच में है

और फैसला महाराष्ट्र सरकार ने गलत किया फैसला जो भी कह सकते हो वैसे तो दुख यह है कि आप तो नहीं, मुझे याद नहीं आ रहा, शायद आपके किसी मंत्री ने कहा था उस समय कि इट इज़ एंटी नेशनल अगर वह करेंगे, खैर जो कुछ हो गया, सो हो गया, अब कम से कम संयुक्त स्टैंड सारे भारत हो एनरॉन के खिलाफ यह मेरा निवेदन है।

**उपसभाध्यक्ष (कुमारी सरोज खापर्डे):** श्री दिग्विजय सिंह।

**श्री इन्द्र कुमार गुजराल:** मैडम, मेरा नाम दूसरे नंबर पर है।

**उपसभाध्यक्ष (कुमारी सरोज खापर्डे):** मेरे सामने जो लिस्ट है जोकि डिप्टी-चैयरमेन ने दी है, उस के मुताबिक आप का नाम नंबर 3 पर है।

**श्री दिग्विज सिंह:** उपसभाध्यक्ष महोदया, मुझे याद है आज से कुछ समय पहले जब "एनरोन" पर हम इसी सदन में बहस कर रहे थे तो हम ने साल्वे साहब से कहा कि, साल्वे साहब आप एक अच्छे वकील हैं लेकिन एक गलत केस की वकालत कर रहे हैं। हम ने उस दिन भी बहस में हिस्सा लेते हुए कहा था कि आपके अलावा आनेवाली जो भी सरकार होगी, वह इस डील को कैंसिल करेगी और मैं उस दिन जब भारतीय जनता पार्टी के लोगों को बधाई दे रहा था तो बहुत से लोग यह समझ रहे थे कि कम्यूनिस्ट या जनता दल वाले हमारे जैसे लोग सब भारतीय जनता पार्टी में चले जाएंगे। ऐसी बात नहीं है। चाहे कोई भी आदमी हो, चाहे को भी पार्टी हो, जो राष्ट्रीय हित में काम करेगी, देश उस को सलाम करेगा। मैं आज भी आप से कहता हूं आप में हिम्मत और साहस होना चाहिए, उन बातों को स्वीकार करने का जिन बातों का जिक्र हम से इसी सदन में पिछली दफ़ा बहस में हिस्सा लेते हुए किया था।

उसी संदर्भ में मैं तीन-चार सवाल आप के सामने रख रहा हूं। क्या यह बात सही है या नहीं कि एनरोन कंपनी ने चाइना में भी इसी तरह की एक डील साइन की थी और चाइना में जो डील हुई और भारत में जो डील हुई, उस में कितने करोड़ रुपए का प्रति मेगावाट का फर्क है। दूसरा सवाल मैं आप से पूछना चाहता हूं कि क्या यह वाजिब था महाराष्ट्र सरकार के लिए कि चुनाव के 15 दिन या एक महीना पहले महाराष्ट्र इलेक्ट्रिसिटी बोर्ड "एनरॉन" कंपनी से समझौता करता है कि अगर यह करार रद्द किया जाएगा तो एनरॉन कंपनी को महाराष्ट्र इलेक्ट्रिसिटी बोर्ड 900 करोड़ रुपया हर्जाना देगा? क्या यह राष्ट्रीय हित में सोचनवाली सरकार के लिए मुनासिब बात है और इन सारे मुद्दों पर आप काउंटर गारंटी देते रहे? क्या यह सही बात है कि नहीं कि एनरॉन कंपनी के बारे में महाराष्ट्र सरकार की राय से वित्त मंत्रालय इत्तफाक नहीं रखता था? वित्त मंत्रालय की एक अलग राय थी और सीधी जाकर वित्त मंत्रालय की गर्दन पर सवार होकर दस्तखत कराए गए या नहीं? चौथी बात मैं पूछना चाहता हूं कि वहां आप ही की कांग्रेस पार्टी की सरकार हैं, जिन्होंने उड़ीसा में जनता दल द्वारा किए गए एक करार पर कहा कि यह राष्ट्रीय हित में जरूरी नहीं है, इस को कैंसिल किया जाय। उड़ीसा की जे०बी० पटनायक सरकार अगर कैंसिल करती है तब तो वह राष्ट्रीय हित में हो जाता है और महाराष्ट्र की सरकार उस करार को अवैध करार देती है तो वह राष्ट्रीय हित में नहीं है?

*उपसभाध्यक्ष महोदया, ऐसी बातों से गलत मैसेज जा रहा है। इसलिए मैं एक बार फिर कहूंगा कि यह भले ही मुंडे की और जोशी की सरकार ने महाराष्ट्र के लिए किया हो, लेकिन उस सरकार ने एक साहस का काम किया है अमेरिका का झंडा जोकि पूरी दुनिया पर दब-दबाकर लहलहा रहा था, उस को तोड़ने का काम वहां की सरकार ने किया है। इसलिए मैं उस सरकार को बधाई देता हूं। मैं कहना चाहूंगा कि भ्रष्ट लोग चाहे वह किसी भी तरह के हों, उन भ्रष्ट लोगों के बचाव में आप कभी खड़े न हों, यही गुजारिश मैं आप से करना चाहूंगा और चाहूंगा जिन चार बातों को जिन्हें मैंने आप के सामने रखा है, उनका सीधा जवाब आप से चाहूंगा।*

SHRI INDER KUMAR GUJRAL: Madam, as I said a while ago — I do not mind repeating it—I am very fond of the Minister. And since I am fond of him, I am somewhat bewildered. I am bewildered as to why he has trodden grounds which are so soft because by temperament, he is a very cautions person. Having trodden that ground, now he is trying to justify himself and while so justifying, he is sinking further and more and more in this morass. Today, he has taken a stand, a while ago, as if his statement made two days back did not exist and as if in the last four or five days that have passed in between, he has not avoided a debate. Anyhow, I am not going to develop more there. I am only going to put two or three questions.

Does the Minister believe, or does he not, that, whatever agreement may or may not have been signed, the duly elected Government of Maharashtra has an inherent right to review it? If he does concede that, then the entire grouund changes. Information, keeping him informed, is one thing. Unfortunately, the Government has put itself in a spot by giving counterguarantees, an unheard of thing. This is an innovation, I hope not made by my friend, Mr. Salve. If he has, then I feel sorry for his advocacy. But if he has done it, then how he wants that now he should be thought of. I hope that the Minister has got—like all other Ministers have newspapers subscribed by the Government at the Government expense that come to him every morning and since those newspapers come to him every morning and since he is looking after an economic portfolio, I am certain he looks at least no other newspaper than the "Economic Times". Even if he has not received the report, I do assume that he has seen the "Economic Times" of Friday, the 4th August, 1995, when he was making the statement. That very morning, a long statement had appeared in the newspaper and I am not going to read the article. It has been said in that statement and I quote: "The previous Government committed a grave impropriety by resorting to private negotiations on a one-to-one basis with Enron. Under the circumstances, the arrangement made between Enron and the MSEB in respect of Dabhol project lacked transparency and so on." If he was underwriting and giving counter-guarantees, did the Minister realise that transparency was not there? Did he realise at that time while giving counter-guarantees that they were not calling the tenders, particularly when three or four instances were given and the same Government was asking for two, three competitive tenders, and it was not done? Did the Minister object to that at that time? Did the Minister tell the Maharashtra Government that he did not see any transparency which should be there because he has to give the counter-guarantee? If he did not do it, what came in his way? Why did he not ask for the transparency?

Secondly, is it a fact that apart from the Committee report and the newspaper reports, there was some report of the World Bank? If there was, then I hope the Minister has read the World Bank's report. If he has read the World Bank report, I would like him to tell us why he did not reject the World Bank's report. Why did he not see the relevance in the World Bank's report? From my limited knowledge that I have, the World Bank report said three or four things. Number one, it said that the present project should not be more than 500 megawatts serials. Secondly, the environment problem was there. Thirdly, it was said that the cost projected was high. When all these things were there, I think this is the only instance—I make an allegation now—when the Government of India has rejected out of hand any recommendations made by the World Bank. Normally... *(Interruptions)*

SHRI SURINDER KUMAR SINGHLA (Punjab): Actually, I want to ask ...*(Interruptions)*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Singla, your turn is going to come. *(Interruptions)* When your turn comes, your can ask. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: No, no. I am just asking a question on this.. *(Interruptions)*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Singla, when your turn comes, you can ask. Please sit down. *(Interruptions)* Mr. Singla, I would like to request you that your name is there in the list. When your turn comes, you can ask. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: How long has Mr. Gujral been recommending the World Bank's advice? I am just interested to know...

*(Interruptions)* I am wondering how Mr. Gujaral has accepted the World Bank's report. *(Interruptions)*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Singla, I have not allowed you. Nothing will go on record now. *(Interruptions)*

SHRI SURINDER SINGLA:*

SHRI INDER KUMAR GUJRAL: Madam, in all humility and out of my fondness for the minister again, I did not want to ask him the reson, that he must tell us the reason, for rejecting the World Bank's recommendations and overruling them, in a way, because the Minister was giving the counter-guarantee... And every counter-guarantee the world over—Madam, I am not a lawyer, but he is—every counter-guarantee the world over even in private matters satisfies himself that the Agreement being signed in *bona fide*, number one; that all the problems have been taken care of, and that there are no loopholes. Some loopholes have been pointed out by the World Bank. All right, I think overnight the Minister might have become a very independent person that he wants to overrule the World Bank. If he does it from now on, even then I will be happy, but let him say so that in future he will not listen to the World Bank.

The second point is, the Planning Commission wrote a note which my friend has already referred to. They made a note. I do not want to give the names of the officers because that is not good, but any noting on the file by an Advisor in the Planning Commission—I was a Minister of Planning myself—is the voice of the Planning Commission. I would like to ask the Minister. Why did overrule the Planning Commission's recommendation? If he did not overrule it, did he see it at least? Was it brought to his notice? Was he aware of it?

The third point that I want to ask him in this connection—and that is also very important—is that when he was counter-guaranteeing such a massive contract, did he know where the gas were to come from? Did he know that the people who were being appointed Managers for acquisition of gas were the same people who had vital interest in the source of gas supply? Did he realise this? And I think, he has been a practising lawyer, specialising in income-tax, which means scrutiny, which means going into the details of every thing. And if he did scrutinise this idea, then is it done ever even in private life or in public, that you ask these two parties to enter into the Agreement, when both of them have vested interests in the same thing? The Enron is made a manager to buy gas from another cousin of its, and, therefore, they charge the prices they wish? And my hon. friend thinks that he has no responsibility! He has counter-guaranteed, my dear, and I am hanging my coat on that peg more and more because while counter-guaranteeing he took us for a ride, and he took this country for a ride, and I ask him the question. He may not have seen the Report; I give him that benefit. But does he know that an allegation has been made in the Report? As reported in the *Economic Times*,—I quote for a minute—"The Enron has practised deception on the MSEB." This is a very serious thing, and I think I should not again take you time to quote all this because the article is a long one, but if you wish, I can place it on the Table, and if he has not read it, he will be benefited by reading it now at least. If deception has been practised, and you become a party to the deception by counter-guaranteeing it, that is where the Maharashtra Government does not come in; the Government of India's head comes to the chopper. And I would also like him to clarify and I go further. "Enron is wanting now to renegotiate." That is what is stated there. Is it a fact? I do not know. Is it a fact that Enron is willing to renegotiate? If it is willing to renegotiate,—you may not be knowing it—but please,—as you know, he is a very innocent person and that is why I like him most ...*(Interruptions)*...

*Not Recorded

SHRI N.K.P. SALVE: There is a difference between innocence and ignorance. ...*(Interruptions)* ...

**श्री कैलाश नारायण सारंग (मध्य प्रदेश):** मासूम, बहुत मासूम है।

SHRI N.K.P. SALVE: Madam, did he realise the difference between ignorance and innocence?

SHRI VIREN J. SHAH: Do you want to claim that you are not innocent in this matter because this matter of Enron ...*(Interruptions)*

**श्री कैलाश नारायण सारंग:** नहीं, मासूम हैं आप, मासूम।

SHRI N.K.P. SALVE: What I am, I shall be saying in my statement. Mr. Viren J. Shah, wait for it. He asks whether Mr. Salve is innocent. I have only said, "No; I am ignorant, not innocent." ...*(Interruptions)* ... I am only ignorant. ...*(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Gujral, you are bound only to seek clarifications on this Statement. Please ask questions. I have got a long list of Members.

SHRI INDER KUMAR GUJRAL: Madam, if my hon. friend had pleaded guilty to, being innocent, I would have loved him more, but if he is ignorant, I am worried about it because

if the Minister, a lawyer and a man of his standing, is ignorant and signs an agreement, ...*(Interruptions)*...

SHRI N.K.P. SALVE: You will have quite a few things to worry about.

SHRI INDER KUMAR GUJRAL: He under writes 12000 crores, he counter-guarantees in ingnorance; that is making me. ...*(Interruptions)*...

SHRI N.K.P. SALVE: Madam, he has quite a few things to worry about.

SHRI INDER KUMAR GUJRAL: Madam, the Committee—I think the hon. Minister has seen that, at least, in this—has also said that there is a case of collusibn of officers. I will not quote it because it will take time. But collusion has been alleged. Does it come to the notice of the Government of India? Does it cause him any anxiety that a collusion has been there? Does it cause any anxiety when the Committee says that there is a fit case for inquiry for corruption? Does it cause him any anxiety? Or, does it not?

I want to say this thing also. This is also very much concerning Mr. Salve. It says that "the political circles here are abuzz with the allegation as to how the contract for the construction work at its project was given by Enron to an industrialist known for his proximity to an important party?" I don't want to name the party because they will get upset. Therefore, I would not name the Congress and, therefore, the Congress people.

SHRI MAKHAN LAL FOTEDAR (Uttar Pradesh): You can name this Congress.

SHRI INDER KUMAR GUJRAL: It also says that "there are already murmurs about how Enron employed a close relative of a Minister of the previous Government for handling public relations exercise." I want to ask him: Are these two correct? Are these facts correct? Who was the contractor? To whom was the contract given? He may or he may not be related to you. He may be related to me. But please give us the name. We would like to know who the contractor was. That is a very important thing. I think that also he must be knowing.

Today the hon. Finance Minister, for whom I have more, if not anyway less, respect, has made a very strange speech. He thinks that the entire economic process of India will get disrupted because we have caught a thief and we should have let him go. Therefore, I want to ask him: Does he endorse that it is not within the sovereign right of India to try to catch thieves, wherever they are, and to try to neutralise any faulty agreements?

Is it the Government of India's policy...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Please conclude.

SHRI INDER KUMAR GUJRAL: I will conclude, Madam. Is it the Government of India's policy in the long term to have foreigners coming in and investing in any project and on any terms and at any concessions? Does the Government of India believe that it has reasonable responsibility and reasonable accountability to the people of India to definitely scrutinise everything and not to go on negotiating as softly as it has done and not to offer the type of concessions which it has given in the Enron case? I want an assurance for the future as well. Thank you.

SHRI E. BALANANDAN (Kerala): Madam, first of all, I wish to thank the Maharashtra Government for taking steps to scrap this anti-national contract. We had occasions to discuss this question many a time, not only in the House, but also in many Committees. I do not wish to go into all the details. I want to confine myself to certain questions. Before doing that, I want to place before you certain details.

Madam, this contract has been signed when the developed capitalist societies or the capitalist countries in the world were searsching for markets throughout the world. They could not find many. They were having internal market for only 20% of their products. Therefore, the United States and other developed countries were using their governmental power and all the powers at their disposal to find out markets for their electrictiy-generating machines and projects. Madam, with your permission, I want to read only one headline, "CIA helped Enron clinch Dabhol project deal". This is the headline of the *Asian Age*, 3rd August, 1995. I don't want to go into it. That is, the United States' CIA has been assigned by the Government to find out markets for Enron company. One of the biggest companies of the USA had no market there. Therefore, they had employed the CIA to find out markets in Asian countries, especially in India. What were they asked to do? They were asked to find out the people who were to take decisions and see to it that the decision-making authority could be persuaded to clinch the issue. This was done by the CIA. It is a detailed report. I don't want to go into it.

The second point to be noted is that the world's developed capital societies were searching for markets, hunting for markets, and that gives us the lever. If at all we want to go in for foreign engines or machines or programmes, competition will be there, but we will get the best of the bargain. But it was not done by our Government to our bad luck. What did they do? They had gone in for private negotiations, a one-way route. They negotiated with the concerned companies. On what basis? On the basis of 'cost plus basis'. Madam, you understand the term 'cost plus basis'. It means, if the cost goes up, the return also goes up. Therefore, if any company wants to get more money, the cost of the machines will be enhanced first and then its expenditure would go up and thus the return will be higher. So, the steps taken by the Government to negotiate this agreement were on the wrong lines. I would like to put a question to the hon. Minister. He is an expert. I have interacted with him many times. He is ready with answers. Mr. Minister, your Ministry, the Union Power Ministry, was aware of the world situation of power scenario and contracted for Rs. 4.19 crores per MW in the Enron case, the world price for one MW at that time was Rs. 1.89/Rs. 2.75 or subject to a maximum of Rs. 3 crores per MW. That was the situation then. But, you contracted, without open dealing, for Rs. 4.19 crores. It was extremely high.

Madam, with your permission, I would like to read the report of the Committee on Energy. On page 112, it says:

"The Dabhol Power Company informed the Sub-Committee during an informal discussion at Bombay that the DPC neither insisted nor accepted any guarantee on payment obligation except, maybe, from the Government of Maharashtra. Following the announcement of the policy of counter-guarantee by the Government of India, that Company took advantage of it. In the opinion of the Committee, counter-guarantee for any project is uncalled for since several IIPs are ready to implement projects without any counter-guarantee."

This is a unanimous report of the Parliamentary Committee. What does it mean? It shows that counter-guarantee was wanted by the Enron Company. It has been given or offered by our own Government. Why should not they use it? Sixteen per cent offer has been made on the basis of cost. I don't want to deal with that. I would like to put a question to Mr. Salve. Is it a fact that the Enron Company did not want counter-guarantee and only the Government of India voluntarily offered it and therefore, they demanded it and the Government agreed to it and signed it? Madam, may I put a question to you and, through you, to Mr. Salve? The agreement with the American company was entered into by the Maharashtra Electricity Board and the Maharashtra Government. Are we, as a sovereign Government, in our right to cancel it? The Maharashtra Government cancelled it. What is coming in the Press today? Our Ministers are alarmed. Why are they alarmed? Why should Shjri Manmohan Singh go on record saying, "Oh! Its repercussions are serious." Who told him? Are we a banana land? We are a country called India. Mr Salve, the contract was signed with some company, somebody threatens, the American Secretary threatens, the German Government threatens, the French Government threatens, the investment climate may go. By giving all the theories, you are supporting whom? The national interest demands that we have power projects. Not only that we must have power projects, but we must have power at less cost which can be used to increase production in various sectors so that we can compete in the world market. I want to say one more thing. With your permission, I would like to bring this to the notice of the Minister, Mr. Salve. It is again given in the Committee's report on page 115, item 15. it says, "The Committee is distressed to find in this connection the Government's stand against providing counter guarantees for the commercial borrowings of the BHEL which is a public sector undertaking, while counter guarantees have been extended to private sector projects. The Committee recommends that the Government should provide necessary facilities to the BHEL so that" ...*(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): You cannot go on reading from the book. You put your questions. This is not fair ...*(Interruptions)*...

SHRI E. BALANANDAN: I am only a layman. The Minister is an expert ...*(Interruptions)*...

THE VICE-CHAIRMAN (Miss Saroj Khaparde): You cannot go on reading the book like this ...*(Interruptions)*...

SHRI E. BALANANDAN: My point is that they are not willing to give counter guarantees to our companies. But, Madam, they are very much willing, although it was not demanded, they are willing to give guarantees to foreign companies, to American companies. Why? I do not know why. Can you, Madam, say, why? Mr. Salve has to say why. I do not want to quote further. The Government should, at least now, admit that once upon a time they had committed a mistake. At least now, Mr. Salve should realised that he has committed a crime. He was the proponent of this project. He was the defender of the DPC. He was defending it all along. Now I want Mr.

Salve to come forward with an apology saying that this agreement was signed incorrectly and it was anti-national...*(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Seek your clarifications on the statement of the Minister...*(Interruptions)*... I have given you time for seeking clarifications.

SHRI E. BALANANDAN: I will not take much time. I will take only one or two minutes.

SHRI AJIT P. K. JOGI (Madhya Pradesh): Please put questions or say that you have no questions...*(Interruptions)*...

SHRI E. BALANANDAN: In the Parliament, while we are discussing issues, you should listen to them dispassionately. We say that the contract signed by the Government goes against the national interest. It is proved by this document which has been submitted by a Parliamentary Commitee. Parliamentary Committee means that it is the opinion of the Parliament. The Parliament's opinion is sovereign. You have to agree to this. You have no choice here. I have no choice.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): What is your clarificaiton?

SHRI E. BALANANDAN: Madam, the Parliament Committee has requested the Government of India to cancel this project. This is an anti-national project. Therefore, I request Mr. Salve to support the decision of the Maharashtra Government. If there are any legal lacunae, they have to be plugged in order to fight back the Enron's swindling. That is what I want him to do.

SHRI N.K.P. SALVE: Madam, I am on a question of procedure. It is very important. In my own humble way, I will try to answer every question that is being raised here. I am noting them down. But it is very unfair to ask me to reply to questions with reference to observations made by a Parliamentary Standing Committee which we cannot discuss in the House and on which I cannot comment. That is not allowed also. Any question based on a newspaper report is something for which I seek your protection. So far as these two aspects are concerned—questions on the basis of newspaper reports and questions with reference to a report of the Parliamentary Standing Committee...*(Interruptions)*...

DR. BIPLAB DASGUPTA: Mr. Minister, you can deny them. But if you say that no questions should be asked on the basis of newspaper reports, that is also unfair...*(Interruptions)*...

THE VICE-CHAIRMAN (Miss Saroj Khaparde): The Minister is saying that no questions should be asked on the basis of the Press reports. That is what the Minister has said.

DR. BIPLAB DASGUPTA (West Bengal): How is it possible? He can deny them. But he cannot rule them out.

SHRI N.K.P. SALVE: Madam, I have long been in Parliament. Please ask him to bear with me...*(interruptions)*...Mr. Gupta, I tell you that in a matter like this, if I were a Private Member, it would have been possible for me to talk on the basis of newspaper reports. But when I am answering here as a Minister, it is the view of the Government of India that I am putting up before the House. Unless I have a basis to say one way or the other, it is very unfair for me to be put in this dock.

DR. BIPLAB DASGUPTA: You can deny that the report is wrong.

SHRI N.K.P. SALVE: How can I deny that.

**श्री अनन्तराम जायसवाल** (उत्तर प्रदेश): माननीय उपसभाध्यक्ष जी, हमारे देश में बिजली उत्पादन के अपार संसाधन है। पानी और कोयला, यह भी तय है कि ये पूरी तरह से चूके नहीं हैं बल्कि इनके अपार भंडार हैं। मैं माननीय मंत्री जी से जानना चाहता हूं कि इन संसाधनों का प्रयोग न करके बड़ी-बड़ी कंपनियों को, बहु-राष्ट्रीय कंपनियों को बिजली उत्पादन का काम सौंपना, मेरी

समझ में एक ही वजह हो सकती है कि ऐसा करने में घपलों का मौका ज्यादा है। ऐसा सुना जाता है कि इसमें रिश्वत ली गई है और खुद एनरॉन कंपनी के अधिकारियों ने स्वीकारा है कि भारतीयों को शिक्षित करने की मद पर उन्होंने 62 करोड़ रुपये लगाए हैं। आपके सर हिलाने से लगता है कि यह बात आपकी जानकारी में है। मैं यह जानना चाहूंगा कि वे कौन से भारतीय हैं जिनको इस प्रकार की शिक्षा दी गई है और जिन पर 62 करोड़ रुपये खर्च किए गए हैं? यह जानकारी आपको कब मिली और इस संबंध में आपने अब तक क्या कार्यवाही की है? दूसरी चीज, एक्सपर्ट ओपीनियम यह है यह समझौता इलेक्ट्रिसिटी ऐक्ट इलेक्ट्रिसिटी डिस्ट्रीब्यूशन ऐक्ट और कंपनी लाज के तहत अवैध है। क्या आप इस राय को मानते हैं और अगर मानते हैं तो क्या उसके मुताबिक आप काम करेंगे?

मैडम, इसमें प्रदूष. की भी बात आई है। महोदया, जहां पर कंपनी जगह दी गयी है, उस जगह पर आम के बाग बहुयायत से हैं। जो प्रदूषित पानी मिल का है, वह समुद्र के पानी में जा कर मिलता है जो समुद्र के जल को भी प्रदूषित करता है। इन सारी चीज़ों की तरफ आपका ध्यान दिलाया गया प्लानिंग कमीशन की तरफ से, वर्ल्ड बैंक की तरफ से जिसका जिक्र अभी गुजराल साहब ने किया है। आपने ध्यान दिलाए जाने के बावजूद भी इस समझौते को अपनी सहमति किस आधार पर दे दी? यह सौदा महंगा भी बहुत है। दिग्विजय सिंह जी ने अभी आपको याद दिलाया है एनरॉन कम्पनी ने चीन में भी पावर प्रोजेक्ट खड़ा किया और वहां पर प्रति मैगावाट खर्च 2.88 करोड़ है और यहां हमारे देश में यह कीमत करीब पांच करोड़ रुपये है। इस तरह जितने भी प्रोजेक्ट एनरॉन कम्पनी के बिजली उत्पादन के है, उनमें सब से ज्यादा महंगा सौदा यह है। इसकी प्रति यूनिट बिजली कम से कम 6 रुपये होगी। क्या आप यह स्वीकार करेंगे कि हमारे उपभोक्ताओं और हमारे आर्थिक हितों, देश के हित के विरुद्ध है यह महंगी बिजली और यह इतनी महंगी है तो इसको स्वीकार क्यों किया गया? अंत में इस घपेलपूर्ण समझौते के लिए माननीय मंत्री जी, यह आम चर्चा है कि पुराने ऊर्जा मंत्री को हटा कर प्रधानमंत्री ने केवल आप ही को पसंद किया इस जगह पर लाने के लिए। सब तरह से सिद्ध है कि यह सौदा देश के हित में नहीं है, कंज्यूमर विरोधी है, राष्ट्र विरोधी है, अत्यंत महंगा है। क्या आप हमारी सलाह मानेंगे कि खुद इस्तीफा दे दें, हम को मांगना ही न पड़े। लेकिन हम जानते हैं कि आप इसके लिए तैयार नहीं होंगे। इसलिए फॉरमली आपसे हम इस्तीफा मांगते हैं इस सवाल को ले कर। बहुत-बहुत धन्यवाद।

**श्री सत्य प्रकाश मालवीय:** (उत्तर प्रदेश): माननीय उपसभाध्यक्ष महोदया, महाराष्ट्र सरकर की जो दाभोल विद्युत परियोजना है, उसकी दाभोल में जो एनरॉन विद्युत परियोजना है, उसके साथ जो इकरारनामा था उसको खत्म करने के उन्होंने पांच कारण दिये हैं। उन्होंने यह कहा कि यह इकरारनामा महाराष्ट्र और महाराष्ट्र की जनता के हित में विरुद्ध था। इसलिए उन्होंने यह इकरारनामा खत्म किया है। इसके लिए मैं महाराष्ट्र सरकार को बधाई देना चाहता हूं। लेकिन एक बात पर कड़ी आपत्ति भी व्यक्त करता हूं। जब संसद् के दोनों सदनों में हमारे ऊर्जा मंत्री का वकतव्य हो गया था और यह भी हुआ।

कि सोमवार को उस पर चर्चा होगी तो कम से कम इस परियोजना के इकरारनामे के निरस्तीकरण के संबंध में विदेशी भूमि पर मलेशिया में इस देश के प्रधानमंत्री को कोई भी विचार प्रकट नहीं करना चाहिये था विशेष कर जब स्वयं ऊर्जा मंत्री ने इस बात को स्वीकार किया है कि वहां से जो फैक्स आया है वह मराठी भाषा में है, उसका यहां पर अध्ययन किया जा रहा है। इसलिए मैं इस बात पर कड़ी आपत्ति करता हूं कि प्रधानमंत्री ने विदेशी भूमि पर इस पर अपनी प्रतिक्रिया व्यक्त कर के एक असंसदीय कार्य किया है, जो उनको नहीं करना चाहिये था। इसके बाद मुझे केवल तीन प्रश्न करने हैं। एक तो अभी जो अनन्तराम जायसवाल जी ने पूछा कि एनरॉन कम्पनी वालों ने यह कहा कि भारतीयों को प्रशिक्षित करने के लिए, उनको शिक्षा देने के लिए कम्पनी ने 62 करोड़ रुपये खर्च किये हैं। क्या इसकी कोई जानकारी भारत सरकार के ऊर्जा मंत्री जी को है? यदि आप जानते हैं तो उनकी क्या-क्या जानकारी है? दूसरा महाराष्ट्र बिजली बोर्ड ने विश्व बैंक से इस परियोजना की तकनीकी क्षमता जांचने के लिए क्या कहा था और क्या एनरॉन ने विश्व बैंक से आर्थिक मदद मांगी थी तथा विश्व बैंक ने यह कहा कि यह परियोजना चलने के काबिल नहीं है। तीसरा, जो महाराष्ट्र सरकार के तत्कालीन वित्त सचिव थे क्या उन्होंने इस परियोजना के विरोध में पत्रावली में कोई कड़ी आपत्ति लिखी थी? यदि हां तो वह बताने की कृपा करें।

DR. SHRIKANT RAMCHANDRA JICHKAR (Maharashtra): Madam, I have about five or six clarifications to ask from the hon. Minister. But,

unfortunately, he is not here. I think the Minister of State...

SHRI SATISH AGARWAL (Rajasthan): The Minister is not here.

DR. SHRIKANT RAMCHANDRA JICHKAR: But the Minister of State is equally able and I think she will reply to me.

SHRI SATISH AGARWAL: She is completely ignorant.

DR. SHRIKANT RAMCHANDRA JICHKAR: Madam, from what the hon. Member, Shri E. Balanadan, has said...

SHRI JOHN F. FERNANDES: Madam, it is not proper to call a Minister 'ignorant'. That word should be expunged. ...*(Interruptions)*...

SHRI VIREN J. SHAH: It is on record that the Minister has himself stated that he is ignorant.

SHRI SURINDER KUMAR SINGLA: That was in a different context.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Shah, the Minister of State is sitting here and she is noting down the points. ...*(Interruptions)*...

DR. SHRIKANT RAMCHANDRA JICHKAR: Madam, by what the hon. Member, Shri E. Balanandan, has said an impression seems to be created that by signing the counter guarantee the Goverment of India has done something wrong, great wrong. Shri Gujralji also said that he has taken us for a ride. So, I want to ask a clarfication from the hon. Minister whether the counter-guaranatee signed is according to the declared policy of the Power Ministry, which was already declared in a printed document and which also appears on page 38 of the Standing Committee's reports, or whether they have exceeded. This is my first point.

My second question is about a juridical point. Madam, the people who were already condemning the contract seem to have sat in judgement because those members of the committee, the Munde Committee, were canvassing against this very contract during the elections and then as Government they sat in judgment, examining the validity of this contract, whether this is fair, whether this is valid, particularly in the background when all these matters were adjudicated by the Bombay High Court and the Supreme Court. so, I want a clarification on this point also.

Madam, in the Minister's statement, the Minister has referred to five points on which the Government of Maharashtra had based itself for rejecting this contract. Now I got an opportunity to read the Marathi statement of the Government of Maharashtra also. I want a clarification from the Minister because one of the points is the point of secrecy and transparency of the contract. I want to know whether the Minister is aware that there was a case adjudicated by the Bombay High Court known as Ramdas Naik vs. the State of Maharashtra and the MSEB in which the Bombay High Court said that nothing was done secretly, there was total transparency. When the High Court had categorically said that there was no secrecy and there was total transparency, I want to know whether the people, who were already prejudiced and who had expressed their opinions even before coming to power,, can sit in judgment? My next point is about the first point of the five-point programme of the Government of Maharashtra. Madam, they said that they mentioned about the validity of the contract. There was another case on which the Bombay High Court had adjudicated is the Minister is aware of it?

I want to know whether the Bombay High Court had adjudicated that the contract in question is not arbitrary, not illegal and was in public interest and whether the Minister has perused all these Bombay High Court judgments, because I have got a copy of the

judgment from some of my friends. Madam, the third point is again on the competitiveness of the bidding. The point raised by the Munde Committee of the Government of Maharashtra is that is that there was no competitive bidding. Madam, this point was adjudicated by the High Court. It went also to the Supreme Court. Is the Minister aware of this? Would he give detailed clarifications on this?

Madam, the fourth point is about the environmental issue. Would the Minister like to enlighten us more on the environmental issue because I could not get the judgment on that. Would he enlighten us whether there was any judgment on this issue from the Bombay High Court or the Supreme Court? I know one society, the Society for Clean Environment. They had gone to the Bombay High Court and to the Supreme Court. What is the judgment? I could not get a copy of that.

The fifth point on which I want clarification is about the capital costs. I find from the Standing Committee Report to which we are not supposed to refer here, and from other details also, that there was some adjudication on the capital cost also. Would the Minister clarify it? The details which I could collect from LARDIS is that there are certain other projects where capital cost is almost similar and somewhere it is more also. I do not want to take the time of the House by relating all these but rather I would like to have a detailed clarification on this because the Lok Sabha Library Services gave it to me. I want some authentic statement from the Minister about the comparative capital cost to see whether really Enron cost was more.

The sixth point is about the tariff. The Government of Maharashtra stated that the tariff allowed was an escalating one. Would the Minister clarify it? Again, the Lok Sabha Research Section gave me tariffs of various power plants and from the table we find that there is not much difference. From the Lok Sabha Research Wing table it is clear that in the end, when both the phases are completed, the tariff would come down. I would like the Minister to clarify these.

My seventh and last point for clarification is: the hon. Prime Minister said in Malaysia that it happened about Tarapur. Some law changed and the Tarapur Uranium supply had to be stopped. Then the Americal Government found out some way in which they supplied uranium. It was not discontinued and we could get uranium for all the 25 years. We got uninterrupted supply to Tarapur. What is the programme of the Ministery?

One more point I have recollected. This is about the contractual liability of the State Government and the Union Government's counter guarantee. This is going to be Rs. 1,100 crores. Now, Madam, this Rs. 1,100 crores belong to the people of Maharashtra.

As far as the budget of Government of Maharashtra is concerned, it is only Rs. 18,000 crores. About Rs. 16,900 crores is committed expenditure. They are left with only Rs. 1,100 crores towards capital expenditure outside revenue account. From where are they going to pay? It is the Government of India which will have to pay. When the Government of Maharashtra pay Rs. 1,100 crores as damages, it is the money of the people of Maharashtra. Even if the Central Government pays, they will deduct it from the Plan or other such accounts of Maharashtra. Ultimately, it is the people of Maharashtra. Ultimately, it is the people of Maharashtra, whom we represet, who are going to suffer. I want clarification from the Minister because people's interest means not Government's interest. I want from the Minister as to what is in the interest of the people of Mahasrashtra, not in the interest of the previous Govertnment, not in the interest of the present Government. They may call 'this Government' or 'that

Government.' That Government has one view and this Government has another view. They cannot sit in judgment over Rs. 1,100 crores of the people of Maharashtra. So, I want clarifications from the Minister on all these eight points. The first two points were noted down by the lady Minister and she can inform the Cabinet Minister. Thank you.

SHRI MAKHAN LAL FOTEDAR: Madam Chairperson, let me, at the outset, thank the Minister of Power, Mr. Salve, for two things. Firstly, he made a *suo motu* statement in this hon. House when there was no need; no Member of this House asked for statement on this. The second thing for which I want to thank him is his articulation in defending the case. I want to thank him for the brilliant way in which he has defended the Enron Project. Perhaps the Enron management would not have been able to get a better person than this brilliant advocate, a person of high calibre. Secondly, I want to thank the Prime Minister because the Prime Minister of our country went to Houston last year in search of foreign investors for this country either in the sector of energy or in any other sector. His intension, as one can understand, naturally, must have been very pious. In Houston, if I am correct, he addressed a very big gathering of industrialists. Naturally, the Enron people, who have their headquarters in Houston, would have attended the function. Obviously, the Enron management people must have called on him and told him that this was one of the various projects which our country was in need of. Many questions have been asked in this House. I would not like to repeat the questions because the hon. Minister, who has been my old friend, said at the outset that the statement is brief and the question should also be brief. I do not want to waste the time of the House. But, one thing is certain that a general impression has gone out that this Enron project became a matter of public concern after the Government of India gave its counter-guarantee and that

India has been put on sale and the future of India has been mortgaged. This is the general impression that has gone round in the country and the Government of India as a party to the project for giving a counter- guarantee for such a project which was so controversial and in the eyes of the Indian people and, more so, in the eyes of the people of Maharahstra it was an act which they regarded as anti-national. Whatever it may be, whether it is national or anti-national, I do not want to go into the details of this question. But, what the Government of Maharashtra has done, I think by rejecting this project, especially after the Enron representatives, came to this country and threatened us on our soil—the soil of India the India of Jawaharlal Nehru and Indira Gandhi, the India of Lokmanya Tilak and Mahatama Gandhi, that they would do this and they would do that, was an appropriate response from the Government of Maharashtra. They have vindicated their honour and the verdict of the people that here was a project which should not have been signed at a time when the people of Maharashtra had already given their verdict which was reserved in the ballot box. I think that the decision of earlier State Government was morally and ethically bad. I have no difference of opinion, with the people of Maharashtra, but have with the party which represents the State govt. But the way in which they have given response on the Enron issue, I feel, they have restored the national pride which had been eroded. And also, they have maintained to an extent the economic and political sovereignly of India.

Enron have toured the world and they have come to India for profit but their business dealings should have been transparent. I want to ask only one question. For some time I have also held the portfolio of Energy. The process of decision-making in the Government has all along been very, very transparent in the

past. I would not like to go into the details but. I would like to ask the quesiton whether the Planning Commission had objected to this and what the Planning Commission said about this project? Secondly, whether the Finance Ministry and also the Finance Minister had strongly objected on the grounds that this project will not be in our interest, this is against the World Bank's opinion, against all expert opinion? I would also like to know whether this is the fact and whether all these things are facts was this case every referred to the Cabinet, was this case referred to the CCEA? If so at what stage, not, why not? Then, I would like to ask a small but a very significant quesiton, which will have many remifications. The question is whether, after all these opinions were there on the file, it was put up to our Prime Minister and he wrote on the file:— "As discussed?" In case it is so, I would like to ask the hon. Minister, in the larger interest of the Congress and in the larger interest of India, what was discussed and with whom Because, generally, after expert opinions and other opinions, Planning Commission's Finance Minister's opinions come, the Prime Minister, I agree, is the competent authority. He is the leader of the Government. But, in such cases, even the Prime Minister has to give the reasons as to why he or she is over ruling as far as these opinions are concerned. There is no question of giving reasons when he goes to the Cabinet. The Cabinet can say "discussed and decided". Then every Minister will know what was discussed. But when it goes from all such institutions to one person or to a Minister, the Minister or the Prime Minister has to put on record why he or she is over ruling the opinion of the World Bank, the opinion of the Finance Ministry, the opinion of the Planning Commission or any expert opinion. The country wants to know this. What was discussed and what was not discussed and what was the compulsion or consideration that also the country wants to know. I would like the Government to be very transparent in decision making process. I have already publicly said, and we have also demanded, that all projects in the Ministry of Energy, right from 21st of June, 1991 where the cost of the project is above Rs. 500 crores should be looked into. This is the question I am asking. Our hon. Minister has joined the Ministry late. he does not know what happened during that period also. The country has to know. The Minister while replying not represent only the Ministry of Energy, he represents the entire gamut of the Government, he represents the entire Government. I want to tell him, and let him tell the hon. Prime Minister, that the Prime Minister will be doing a great service to the country if he appoints a sitting Judge of the Supreme Court to inquire into the entire gamut of all these projects.

**[Vice-Chairman (Shri Suresh Pachouri) *in the Chair.]***

because the money that has come to India, through these global transactions, does not mean, does not imply, that there should be import of or greater access to the global black money. Otherwise, our policy of liberalisation would fail. I would like to ask, in this connection, ... *(Time-bell rings)* This is the last question, Sir. Who are the Indians who have graduated out of this Enron School of Business? Who are the Indians who have been benefited out of this Rs. 63 or Rs. 65 crores? I would like to know about this from the hon. Minister because the Government of Maharashtra has already said that they would be approaching the appropriate authority in the U.S.A. In the U.S.A., the laws are very strict. They would release a person even when he is involved in a case of murder. But if a person is involved in a case of tax evasion or corruption he would get the maximum, he would get the highest, punishment. The Government of Maharashtra has already decided to go there. I would like to know whether the Government of India also propose to go there for this because we can then know as to who are the people who have

graduated from this Enron School of Business. Aready, it may be known to many. But the House would like to know as to who are the great men in our country who have post-graduated from the Enron School of Business. About the graduates one can know. But please tell us as to who are the persons who have post-graduated from this School.

I appreciate the hon. Minister, Mr. Salve, for the brilliant manner in which he argued and defended the Enron case. But who will defend India? Who will defend India's case? In the same brilliant manner, I hope he must argue India's case in the international fora. These are my quesitons, Sir. *(Interruptions)* I know he can argue very well. I have faith in Mr. Salve. He has been, unnecessarily, put in charge of the Ministry of Power. I hope he would look into this and tell the Prime Minister to appoint a stting Judge of the Supreme Court to enquire into all these things. Thank you.

SHRI SURINDER KUMAR SINGLA: Thank you very much, Mr. Vice-Chairman, for giving me this opportunity. Sir, I am actually a sad person today. I am sad to see that the Indian Parliament and the people of Maharashtra are victims of professional propagandists in the country who are spreading * untruth and * The example is the Maharashtra Government's report itself. One would like to understand. Allegations are made without any substance.

SHRI VIREN J. SHAH: On a point of order, Sir. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Kindly listen to me, Mr. Shah. *(Interruptions)*

SHRI VIREN J. SHAH: Sir, he used the words * and * Can anybody accuse in this House the Government of Maharashtra of spreading * Is it Parliamentary practice? Is it a permitted expression, in terms of 'Kaul and Shakdher'? *(Interruptions)* I remember, earlier, when I used some such expression, the hon. Chairman ruled that it should not be used. *(Interruptions)*

SHRI AJIT P. K. JOGI: He has withdrawn the word * *(Interruptions)*

SHRI VIREN J. SHAH: He has accused the Maharashtra Government of spreading * and * These are the words he has used — * and * It is on record. Should you permit such expressions? That is my question. that is my point of order on which I would like you, Mr. Vice-Chairman, to give your ruling. You have the right and also the duty to pronounce ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Dno't interrupt me. Kindly listen to me, Mr. Shah. *(Interruptions)* This is an important matter. *(Interruptions)* Mr. Ashok Mitra, kindly allow me to speak. *(Interruptions)*

SHRI GURUDAS DAS GUPTA (West Bengal): On a point of order, Sir. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Kindly allow me to continue my speech. *(Interruptions)*

श्री विष्णु कान्त शास्त्री (उत्तर प्रदेश): आप इस पर रूलिंग दीजिए। हम लोगों को कई बार ...(व्यवधान)...

SHRI GURUDAS DAS GUPTA: On a point of order. *(Interruptions)* This is the Council of States. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Mr. Vice-Chairman, Sir, please allow me to continue my speech. *(Interruptions)*

उपसभाध्यक्ष (श्री सुरेश पचौरी): सारे मैम्बर्स एक साथ न बोलें। ...(व्यवधान)...

श्री वीरेन जे० शाह: आप मेरे प्वाइंट आफ आर्डर पर रूलिंग दे दीजिए। *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): I do not know why everybody is standing and speaking at the same time. *(Interruptions)* Until and unless I give permission, nobody should speak.

* Expunged as ordered by the Chair.

SHRI GURUDAS DAS GUPTA: Sir, this is the Council of States. One cannot use words which are totally unheard of in the annals of Parliamentary democracy. This is absolutely not possible. * should not be allowed.

**श्री विष्णु शास्त्री:** आखिर हम लोग भी किसी रूलिंग के अधिकारी हैं। ....आप रूलिंग दीजिए।

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Let me go through the record. ...*(Interruptions)*

SHRI GURUDAS DAS GUPTA: It is absolutely derogatory to the House. ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA: I have already withdrawn * I am saying * ...*(Interruptions)*

SHRI ASHOK MITRA (West Bengal): It is painfully unparliamentary. How can you allow it? ...*(Interruptions)*

SHRI SATISH AGARWAL: This is the Council of States. Today he is saying this about Maharashtra. Tomorrow it will be West Bengal. ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA: I am saying *

SHRI SATISH AGARWAL: Then you will say this about Karnataka. ...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): He has withdrawn it. ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA: I have withdrawn * ...*(Interruptions)*

You do not allow me to speak. ...*(Interruptions)*

SHRI VIREH J. SHAH: I seek your ruling right now.

**उपसभाध्यक्ष (श्री सुरेश पचौरी):** देखिए, वीरेन जी, जब विदड्रॉ कर लिया है तो फिर क्यों .... उन्होंने विदड्रॉ कर लिया है।

SHRI ASHOK MITRA: We seek your ruling on this ...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): He has withdrawn it. ...*(Interruptions)*

SHRI GURUDAS DAS GUPTA: One cannot say not only * but * also. He must withdraw it.

SHRI SURINDER KUMAR SINGLA: Mr. Vice-Chairman, I have already said that it is spreading * and untruth. The fact of the matter is that Mr. Gujral is quoting from "The Economic Times". They are all unsubstantiated allegations. Will the Minister really check up and expose the * of the allegations? His questions are based on the "Economic Times" report, on which the Maharashtra Government says "No report". Can you really accept this kind of a report and quote extensively in this House and raise questions based on this report itself? When the report itself is questionable and it is really not a verifiable document, how can you raise issues and questions on that report to the Minister? This is my question.

Secondly, as we have seen many times in connection with Bofors itself that it is really a war between various companies. the competitors of Enron, Enron enemies, wanting to capture power projects in this country, might have paid kickbacks to the Maharashtra Government and got it cancelled. This question needs to be probed further. Why has this been done? This is very vital because in every situation international business houses compete.

SHRI NILOTPAL BASU (West Bengal): Fancy.

SHRI SURINDER KUMAR SINGLA: What fancy? You might come to know later that this was really true. ...*(Interruptions)*

I know, Bailadila is being raised. I know, a rival company is lobbying. Propaganda is being done. A newspaper is being used. A section of Parliament is being used. ...*(Interruptions)*

* Expunged as ordered by the Chair.

SHRI GURUDAS DAS GUPTA: It is totally preposterous. We are discussing about Enron. Whose interest is the hon. Member representing? For whom is he lobbying? It is totally preposterous. ...*(Interruptions)*

**उपसभाध्यक्ष (श्री सुरेश पचौरी):** सुरिन्दर जी, आप ऐनरॉन तरक ही अपने को सीमित रखिए। ...(व्यवधान)...

**श्री नीलोत्पल बसु:** *

**श्री सुरिन्दर कुमार सिंगला:** * ...(व्यवधान)...

Don't tell me this. It is unparliamentary.

**उपसभाध्यक्ष (श्री सुरेश पचौरी):** चलिए सिंगला जी, जल्दी कम्प्लीट करिए।

SHRI SURINDER KUMAR SINGLA: Sir, my second question is whether ...*(Interruptions)* Will you allow me or not? All the time you try to monopolise the time of the House. Secondly, I would like to know the estimated cost of the BCEA of various projects in this country, by all State Electricity Boards and the complete cost of the projects. What is the difference? And the complete cost of the projects like the West Bengal Power Corporation and the complete cost of the ENRON. What is the difference between these two? We know the West Bengal Government had started a power project. Was there a kickback in that also? They had it permanently for the last 40 years. That is why they alone are smelling a rat in this.

SHRI GURUDAS DAS GUPTA: Sir, what is this? What are we discussing about? Let me know. ...*(Interruptions)* Here is a statement on ENRON. ...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Let him finish his clarifications. Every time you get up.

SHRI GURUDAS DAS GUPTA: Of course. If somebody becomes wild, it is our responsibility to bring him into senses.

SHRI SURINDER KUMAR SINGLA: I also know how to do it. Don't threaten me. I can take care of you also. ...*(Interruptions)* Mr. Vice-Chairman, Sir, he cannot threaten me. *(Interruptions)* He has no business to threaten me. ...*(Interruptions)*

SHRI NILOTPAL BASU: Sir, he is threatening us. ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA: *

SHRI GURUDAS DAS GUPTA: *

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): This will not go on record.

SHRI VIREN J. SHAH: Sir, a Member addresses a Chair. Are we allowing a Member to say this to the Chair?

SHRI SURINDER KUMAR SINGLA: I have a third question to ask. Recently in Bombey there was a four-hour cut. Where would this Maharashtra Government be leading us to? I have two questions to ask here. The State of Maharashtra needs more power today. If the ENRON project is cancelled, a new project will take two years to start. What is the total wealth that could have been generated in this State of Maharashtra? According to a calculation, one megawatt of power produces around Rs. 20 crores worth of national wealth. If you say 2,000 megawatts, it means that the country would be losing in two years around Rs. 80,000 crores just by rejecting the scrapping this ENRON project. How do you go along with this? (*Interruptions*)

SHRI NILOTPAL BASU: You were talking about Bengal also. This point may be registered that there is no power-cut in Bengal these days.

SHRI M.A. BABY (Kerala): Sir, this is the falsehood that the hon. Member is propagating against Bengal.

SHRI SURINDER KUMAR SINGLA: Lastly I would like to ask if the Maharashtra Government or the

* Expunged as ordered by the Chair.

* Not recorded.

Central Government puts up a Rs. 2,000 crore project, what would be the cost involved for putting up a foreign project, whether it is ENRON or any other project? This needs to be probed.

SHRI SATISH PRADHAN (Maharashtra): I have gone through the statement of the hon. Minister. I feel that some clarifications are required about the ENRON project. While going through the ENRON case, I have observed that some political leaders and some political personalities are behaving as if to show that they are continuously propagating or convassing for ENRON. I could not understand what the reasons are. If the hon. Minister enlightens us on this, we will be very much obliged.

I have been observing for the last four months that continously one statement or the other is being made by so many leaders including the Prime Minister. In a statement, he has said, "If the Enron project is scrapped, then, no other institution or investor will come to India to invest."

Sir, I would like to bring to the notice of this House that ours is the second largest populous country in the world. So, a huge market is there. If somebody wants to seel his goods then, there is a market. When we have gone in for globalisation, the people are going to come over here in spite of what our leaders are continously saying, that outside investors will not come over here, what type of message these people want to give?

The third point is that Enron officials have declared that Rs. 62 crores have been sent to educate the Indians. They have used the word "Indians". I would like to know who are those beneficiaries and in what way they have sent this money, whether in foreign currency or in Indian currency? In what way this money has percolated to India?

The fourth thing is regarding a contract which took place. Until the new Government came into existence, everybody including the then Government of Maharashtra, the Government of India and the Enron officials did not say that it was an open document. When the Government of Maharashtra appointed an inquiry committee, Enron had agreed to keep it as an open document and it was shown to everybody. Why were they not prepared to show it to everybody previously?

There was a news that Enron had given an offer to reduce the total amount of contract by Rs. 1,100 crores. What is the reason? When they were right at the time of signing the contract, why did they offer to reduce that amount? So far no statement has come in this regard.

Enron also wanted to bring the gas pipeline from the Middle East to our offshore. That pipeline was envisaged via Pakistan not directly from the middle line but from the side line. It was from that area. If any war takes place between India and Pakistan because every day the trouble is going on and they are interfering in the Jammu and Kashmir affairs, what neasures are you having in your mind? I would like to know about it.

Enron Company wanted to sell the power at a certain rate but the Government of Maharashtra said that the power tariff fixed by Enron was at a higher rate. According to the Central Government, what is the actual fact?

Very recently the Chief Minister of Maharashtra said in the Maharashtra Assembly about tenders. He has quoted it. At that time, the Supreme Court also said that there was no need to call tenders. You have also said that one-to-one tenders can be given. Is it a fact that you have given instructions, the Central Government has given instructions, very recently, after these things, that in future, whenever a Government wants to give such types of work, tenders are essential, tenders must be there? Is it a fact? If so, at that time what was wrong?

There is another thing I want to know. Is this the first time that a contract is cancelled? If there were other instances, why have you not taken care of them or discussed them and why are you so touchy only now to discuss this subject?

Lastly, is it a fact that in May/June, 1992, some Central Government Officers went to the USA and Europe to invite investors? On 10.6.1992, the Power Secretary, Central Government, had written a letter to the Enron Corporation. Then, on 15.6.1992, they had sent a group of people to inspect the sites. And, on 20.6.1992, within one month, you had signed the MoU. What was the necessity to go in for it so hurriedly? Within one month, the entire thing was completed! What was behind it? The Government of Maharashtra was suspicious about these things. Even at the time of the elections, these things were brought to the notice of the people. Based upon people's verdict, the Government of Maharashtra has taken the decision.

I want to have clarifications from the Minister on the points I have raised. Thank you.

**उपसभाध्यक्ष (श्री सुरेश पचौरी)**: कुछ और नाम हमें मिले थे। लेकिन उपसभापति जी ने यह रूलिंग दी है कि कोई नाम और न जोड़ा जाए।

**श्री राम गोपाल यादव (उत्तर प्रदेश)**: देर से नाम दिया था और अक्सेप्ट किया था। हमें मौका मिलना चाहिए।

**उपसभाध्यक्ष (श्री सुरेश पचौरी)**: ठीक है।

Okay. Mr. Ganesan. Not present. Mr. Chimanbhai Mehta.

SHRI CHIMANBHAI MEHTA (Gujarat): Mr. Vice-Chairman, Sir, the other day, we had a report from the Vohra Committee on the nexus between politicians and businessmen. There was also a mention that a Mafia Syndicate is running a parallel Government in our country. Now, I would like to put certain questions on the basis of what I find here.

A few months back, we were discussing the Enron project in this House, on a call-attention notice of Shri Jaipal Reddy. At that time, it was specifically mentioned that the Planning Commission had objected to the Enron project. I was humble not to make any allegations because I knew it would not serve the purpose. Now, the whole project is vulnerable. In spite of the Planning Commission objecting to it, the Government of India and the then Maharastra Government were bent upon carrying out the project. I want to know the actual date when the last signatures were put uptill the time the elections were over in Maharastra and the results were not out. In between that period, why was a provision of a pecuniary punishment signed by the Maharastra Government against the cancellation of the contract, if done? Why was this provision inserted that Rs. 900 crores would be paid by the defaulting party? What was the need for doing it? The elections were over and the results were to come out. It would be quite appropriate if you give the precise date. It shows that the outgoing Government of Maharastra wanted to blackmail the future Government, whatever it may be. The cancellation would require a fine of Rs. 900 crores. Why was such a clause accepted? Is it due to Rs. 62 crores spent by Enron on educating the Indians? Mr. Advani said two days back that there is a suspicion of a kickback and it would be appropriate if the Minister replies to this particular charge that there is no kickback involved in this contract. I will be very happy about it. The nexus between the politicians, businessmen and mafia, everything is coming out now. Several Governments are being run by the mafia syndicate. So, it is very important that this point is clarified. Now, other Members have already said that such projects as Enron, contracted with the Government of Maharastra, were carried out by Enron in China and even in England with one-third less cost. So, why did you pay 33 per cent more? The State Government of Maharastra is saying that by cancelling

this project, they will save Rs. 2,200 crores. I congratulate them for their political courage and conviction which they have. They are also saving Rs. 2,200 crores. All these things show one thing that though the Government of India gave a counter guarantee, it did not go into all the aspects. The Minister is supposed to answer all these questions, particularly I may not agree with the point raised about the kickbacks. This is the impression throughout the country not only in respect of this contract but also in respect of other contracts which have been signed or about to be signed, that the per megawatt cost of production should be a little less than Rs. three crores. But I have been reading in the news-papers that the State Government of Karnataka is about to sign a project where the cost of production per megawatt would be Rs. four crores. If you do not put your foot down on this, the entire country may lose billions of rupees because the other State Governments would go in for a higher rate of contract. So, whatever I asked you, the first question was a pointed question about the kickbacks which should be properly replied. It should be properly replied to, and I hope that he will dispel the doubts of this House that there is nothing of the fraud. Thank you.

6 P.M.

SHRI JAGMOHAN (Nominated): Sir, I would not like to repeat what has already been said. I would seek very precise clarifications. I would like to know from the hon. Minister what the precise difficulty was in not inviting tenders and why the Government could not state that 'these were the requirements' and ask other companies to also indicate their bidding, supposing the Enron had given a particular type of project, why couldn't the tenders be other after invited, saying that 'this is the type of project that is intended to be set up and, therefore, we would also like to have the bids of other companies?' Everybody knows that this new-found love for investment in the developing countries is largely due to the fact that these companies have reached a saturation point and they are not finding enough to make investment in their own countries and quite a lot of their equipment is lying unused. This was the climate in which we should have used that situation and got the most favourable bidding. Unfortunately I do not understand—I had worked in the Government for many years—whether there could be any case in which tenders cannot be invited by visualising particular conditions and laying them down and thereafter saying that these are the problems which we have but this is what we like the companies to supply and this is beyond our means. I do not know in what way the Auditor-General is going to look at this, a project involving such a huge cast being awarded without calling for tenders. Even if a clerk buys a stationery item without calling a tender, he is hauled up and whatever explanation he may give, that is never accepted, I do not know how we are accepting a situation in which such a large amount is invested in a power project when we ourselves have been installing so many power projects.

The second question is: What were the precise observations made by the World Bank? While disfavouring this project and refusing to finance it, had not the Bank commented on what is called, the so-called high technology which we may find difficult to maintain later at a reasonable cost? It has been said that the 'five-star technology' probably is not very handy and useful for us.

The third question which I want to ask is this. While examining the cost of the project—I mean, if the tenders are not invited—I must have said, this is my cost; you scrutinise it whether is a fair cost or not. What did you do in the Central Government. The State Government, the Central Electricity Authority and the Maharashtra State Electricity Board? Take these Rs. 62 crores. I am not referring to the other costs which were included. Was the cost of Rs. 62 crores-

—which was supposed to be incurred on education and promotion—shwn at that time when the examination was done by these Authorities? While assessing the cost of the project, was if examined that from the cost point of view, from the investment point of view, whether it was a sound project or not? Was the amount of 62 crores was included? And if that was included, what were the comments of these people, particularly those of the finance departments of these very organisations, of the State Governments and of the Central Government. What were the precise points made by them on this very single item I am referring to? I am not on other items.

And then there was this letter of 25th February, 1995. I do not know why this letter was exchanged just at that moment when the voting was held and only the results were to come. It is a normal thing that even when a Government servant receives his transfer order and he has not handed over the charge, he says, "I will not do any more work except the absolute routing work."

But here, you know, is a very important project, which was controversial from the very beginning. It has become the subject-matter of controversy. It is admitted by our friends here. They were claiming that they had stated, "This power project is faulty and if it comes up, we will come and scrap it." Then it raises a very serious point that this letter was sent to bind the hands of the coming Government to stick to a particular line. Otherwise, they will have to threaten the Government to take the same view and to accept it. If they take a different view, they have to shell out a large amount of money. This is a sort of technique which I cannot understand from your moral, ethical, financial or usual administrative norms which a mature democracy is expected to follow.

Then this guarantee of 16% return on investment. I want to know whether this Rs. 62 crores, which was supposed to be promotional or educational, will also get 16% return. That investment also entitles Enron to claim 16% return for all the times to come! The counter-guarantee is enforceable because the Maharashtra Government will not do it. This mystified me.

There is another report, where it is mentioned that some American companies themselves have said that it is not a small light-water resources project. A reactor company has indicated in its own study, which is also internal, that the Enron project cost has been inflated to the extent of, at least, Rs. 2,250 crores. I would like to know whether it is a fact that somebody, making an independent study in the United States, has also come to the conclusion that the cost has been inflated to the extent of Rs. 2,250 crores. *(Time bell rings)*... I have two more points to make. Then I will conclude. I am raising the points one by one. I am one of the last two or three Members. I am not repeating what has been stated, more or less, earlier.

A number of allegations have appeared. They have said that they are the largest gas supplying company and this has been found to be incorrect. Then there are other allegations and because of lack of time I am not going to repeat them. I would like to know whether these allegations have come to the notice of the Government now and whether the Central Government will try to find out if these allegations appearing in a responsible section of the Press are correct or not.

Another point is that many eminent persons including one of our former Presidents, who also formerly held the portfolio of Finance, took a serious objection to the guarantee of 16% return given to a private sector compnay. He has said that this is absolutely unprecedented and unheard of an destructive of the very basis on which the Government is trying to project the new policy.

this would happen? I do not understand it. Are we being taken for a ride? Should this Government....

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Please conclude.

SHRI JAGMOHAN: I am concluding, Sir. Is it consistent with our self-respect to put ourselves in such a situation? Thank you.

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir, the statement of the minister has mentioned five gournds on which the Maharashtra Government has cancelled the Enron deal. These five grounds which were put before the High Court and the Supreme Court, were negatived and the High Court and the Supreme Court have upheld the Enron deal. It shows that the State Government has taken a grave risk in scrapping the Enron deal in spite of the fact that the Supreme Court has considered this matter in depth on the basis of the documents and upheld the Enron deal. Sir, I raised this question in the morning also. Why is the State Government shying away from producing the report of the Munde Committee? The Munde Committee was headed by the Deputy Chief Minister, who was appointed to review the enron project. It will give a clear-cut idea about the basis on which the Committee came to such a conclusion. Sir, it reminds me of an incident in this House when the Janata Dal Government was in power in 1989. There was an air mishap and some of the passengers died when Airbus-320 was introduced. The then Minister said on the floor of the House, "I am grounding all the Airbus. If I am found wrong, I will take personal responsibility." Now, the Minister was found wrong, but no action was taken against the Minister because he took personal responsibility. If an independent inquiry into the Enron deal, which has been demanded by the Enron Company is ordered, and if the Committee, which took this decision, and the State Government, were proved wrong, against whom action will be taken? It is the State Government in power which has to pay the amount of compensation which would be fixed.

A point has been made by some friends that they have read the cost entry in the Planning Commission's Report and this cost is comparable. I would like to know whether those projects are coal-based projects. This is a gas-based project and the initial capital cost of a gas-based project is very little compared to that of a coal-based project. It is supposed to be roundabout 2 and not 4. But the capital cost, so far as this is concerned, is very low. That is a point on which I would like to have a clarification. It has also been stated by one of our friends here that, in Maharashtra, there was a black-out recently. So, it will cost so much. Is it not a fact that Maharashtra has, in fact, Bombay city has, a surplus of about 150 megawatt in the non-peak hours and Karnataka is being asked to take this? Therefore, this is another point. It was also said that if the Enron project was cancelled, it would create an unfavourable investment climate in India. I do not understand this. In fact, it should favour more investments because the honest companies would feel that India is a very honest country and those people who indulge in malpractices would not be able to have an upper hand. In fact, many companies would like to come forward and those who are scared by the allegations, whether these are correct or not, that there is a lot of corruption in India, in fact, will get the impression, "No, India is a clean and honest country and we can get justice in India and people will look into the matter if the allegations are made". In fact, it will create a climate for honest investments. That is my point. I would like to know whether the Government has considered this fact or not instead of standing on prestige.

Has the Government thought it proper to tell the people that this a matter between a company and the State

Government? How is it that very senior representatives at the diplomatic level have been making statements that if this is done, then it will not be proper for the Government? Before making this kind of statements, have they taken into consideration our point of view, have they considered the allegations which are now appearing in the Press? Without looking into the other side of the picture, how were statements made by even representatives of other countries that India should do this and that; otherwise The present Government will jolly well go away. The State Government of Maharashtra, the BJP—Shiv Sena Government is taking a grave risk by scrapping the Enron project. I would like to seek two or three clarifications from the hon. Minister. It is about the capital cost which some Members have raised. I would like to submit that in Gujarat, my information is that for the gas-based power plant, the amount fixed was Rs. 3.6 crores which is double the normal amount that has been prescribed by the Central Electricity Authority. Now, the BJP Government is ruling there. Should I say that it is a shady deal? Will they accept it? In Tamil Nadu, for the coal-based power plant for the Neyveli Lignite Corporation—one project is coming up—the State Government entered into an MOU with CMS Energy for an amount of rupees four crores. I can give several instances. Now, as far as Enron is concerned, it is Rs. 3.6 crores. How can they say that it is a shady deal? As far as tariff is concerned, I once again come to Tamil Nadu. The Tamil Nadu Government has entered into an MOU with the CMS Energy for rupees four per unit. In another State, it is more than rupees three. In this case it is only Rs. 2.40. Where is the shady deal? I want the hon. Minister to give the comparative figures. Several State Governments have entered into agreements with various multinational companis which have come here to set up power projects. I would like to know from the hon. Minister whether it is a fact that 22 MOUs have been signed by the Andhra Pradesh Government on a single day for setting up power projects in Andhra Pradesh. There are various parameters which have to be considered while signing an MOU and it is not justified to say that it was a shady deal. What was the reason given by the State Government? The reason given was that no competitive bidding resorted to. In how many cases was this practice of competitive bidding resorted to? It was not there earlier. Now, the Central Government has given a direction. Earlier, it was not like that. Several State Governments entered into a direct deal with various multi-national companies who have gone there for the purpose of investing in the power sector. It was done like that. Secondly, they say that the transaction with the DPC was shrouded in secrecy. Where is the secrecy? This shows that the present Government which is headed by the BJP and Shiv Sena are making allegations against the previous Government. Even before election, they had been making these allegations. They are doing it for political reasons. It is not based on facts. For the purpose of maligning the Congress Government and for the purpose of creating an opinion in the minds of the people, they are raising this issue. I am sorry that other political parties are supporting them. I do not want to go to other States. The West Bengal Government is playing second fidle to the party inside the House and outside the House. The BJP Members say that there was a shady deal. I demand that they prove it on the floor of the House. If they say that the present State Government had come to the right conclusion, I demand that they lay the document, the report of the Review Committee, on the Table of the House.

**श्री राम गोपाल यादवः** श्रीमन् माननीय केन्द्रीय विद्युत मंत्री जी ने जो अपना स्टेटमेंट दिया है, मैं उसके आधार पर आपके माध्यम से केवल दो स्पेसिफिक क्वेश्चन्स पर क्लेरिफिकेशन्स पूछना चाहूंगा। एक तो यह कि यह जो अवास्तविक पूंजीगत लागत की बात है, देश

की जनता के मन में यह संदेह है कि वास्तविक पूंजीगत लागत और अवास्तविक पूंजीगत लागत के बीच जो गैप है, उसी धन में हेरा-फेरी हुई है। मैं माननीय मंत्री महोदय से यह जानना चाहूंगा कि क्या इस देश की जनता के मन में जो संदेह है, उससे वे भी सहमत हैं? अगर नहीं तो उनके पास इसका क्या स्पष्टीकरण है?

मेरा दूसरा सवाल यह है कि जब प्लानिंग कमीशन ने आब्जेकशन्स किए, मिनिस्ट्री आफ फाईनेंस ने भी आब्जेकशन्स किए, तो उनके विरोध के बावजूद वे कौन सी मजबूरियां थीं कि केन्द्रीय सरकार को इस योजना को न केवल क्लीअरेंस देनी पड़ी, मंजूरी देनी पड़ी बल्कि काऊंटर गारन्टी भी देनी पड़ी?

माननीय मंत्री महोदय जब उत्तर दें तो मेरे इन दोनों स्पष्टीकरणों का जवाब दें। बस मेरे यही दो स्पष्टीकरण हैं, इससे ज्यादा समय मैं नहीं लेना चाहूंगा।

SHRI VIREN J. SHAH: Mr. Vice-Chairman, Sir, I have to disagree with my very dear friend, Inder Kumar Gujral, when he made some comments about the hon. Minister of Power, also a very dear friend of mine, Shri Salve. I would rather congratulate this Government—Mr. Mathur, I am congratulating this Government—and I would particularly congratulate the Power Minister because he has proved that this Government works the fastest. There was a Prime Minister who said that her was the Government which worked. The successor to that Prime Minister said: My Government will be a Government that works. faster. But, in this particular case, we have a Government that works the fastest. I would have been very happy if in every case, it ws done like that. When I congratulate the Government that works the fastest, I would like to draw your attention to a certain chronology of events referred to in the *Financial Express* of 3rd August, 1995 under the heading, "Sensing defeat Congress said a hasty yes to Enron". This is a very interesting chronology of events which has perhaps never happened either in the Government of India or in any State Government. On January 24, 1995, the Maharashtra Government asked the Centre to approve the amendment to the Power Purchase Agreement. This was the period—from January 24, 1995 to February 25, 1995—when election campaign was at its height in Maharashtra. Election compaign to elect the Maharashtra State Assembly was as its height. Voting was to take place on 12th of March. The hon. Minister, whom I congratulated in his absence for working the fastest, moved at a breakneck speed ffom January 24, 1995 to February 21, 1995. On January 24, 1995, the Maharashtra Government had asked the Central Government to approve the amendment to the Power Purchase Agreement. On January 27, 1995, the Secretary, (Energy) Maharashtra Government, approved the amendment. Actually, it is the Central Government which asked the Maharashtra Government. On February 1, 1995, the Ministry of Finance approved the amendment. Then, the amendment to the Power purchase Agreement was signed on February 2, 1995 without the approval of the MSEB and the Government, but soon *ex post facto* approval was granted by both of them. I move further. The consent agreement was signed on 2nd February. On 24th February, 12days after the voting had taken place, the Maharashtra Government wrote to the Government of India about the fuel management agreement, also with the same party. Quick comes the response. The fastest working Government, on 25th February, cleared the fuel management agreement in a fax message to the Maharashtra Government. On that very day, the fuel management agreement was executed. That is not all. When that was done, clause 2.1 of the Power purchase Agreement was, thus, satisfied. Now, what is the implication? The implication of all that is that till that was done, the Maharashtra Government had no right to claim damages if it was cancelled, nor the Enron or the Dabhol Power Company had a right to claim damages, which they are claiming now.

By doing this at such an extraordinary speed—24th February, 25th February fax, 25th February execution, one agreement, second agreement and 2.1 PPA, conditions satisfied, and according to the legal wording as they interpret it, — not that it is acceptable to the Maharashtra Government — the compensation entitlement begins. I want to ask four or five questions. Firstly, has there been any other case in the Department of Energy in the last three years where such rapid action, almost a machine-gun-fire action has taken place? If there is one, would the hon. Minister kindly enlighten this House? Secondly, serious doubts have been raised about the environmental aspects. But before I go into that, I want to make one statement. The hon. Minister in his reply after citing the five reasons said, and there were a couple of Members including Dr. Jichkar, who also mentioned, that they were raised in the Bombay High Court eight times but were rejected, that they were raised in the Supreme Court also, and in the Supreme Court they made a small appeal in that. But when it was raised, it was raised in the Public Interest Litigation by people who had no access to the Power Purchase Agreement, the Fuel Management Agreement and who had also no access to the various detailed work that was done. So, they were not in a position to bring before the hon. High Court, at different times, these various aspects which were not available to them. But, these were available to the Maharashtra Government at that time. Did they ever bring this to the notice of the hon. High Court eight times... (*Time Bell rings*) Sir, I will not speak more than what any of the other three Members have spoken. I will be finishing it in three minutes. So, one of my questions is on the environmental aspects, both marine environment and plant environment, and also the livelihood of the people. How would the hon. Minister satisfy this House that they are taken care of? The next question is on the base load and the peak load which was mentioned. But what is not mentioned is that when the peak load is not there and the base load is surplus, the State Electricity Boards will have to remain closed. Where the cost is eighty paisa per unit, we will have to pay to the Dabhol Power Company, if this agreement was on and if they operate, Rs. 2.40, and if they don't operate Rs. 1.20 per unit.

(**The Deputy Chairman** in the Chair)

That was again a cost to the State Electricity Board.

The next point is about tarrif. The hon. Minister made a very specific point. Out of one rupee of the tarrif paid to the Dabhol Power Company, is it a fact that only six cents would remain in Indian rupees and 94 cents would go abroad, if calculated in dollar terms? If it is not 94 cents and six cents, what is the percentage in rupee terms, the Indian currency, and what would be the percentage in the foreign currency, in dollar terms, for every unit consumed from the Dabhol Power Company? Even if you take it as Rs. 31.20 or whatever has been taken, what would it be in terms of dollars per annum at full generation of power? My last question is that the National Development Council appointed a committee two years back under the chairmanship of Shri Sharad Pawar to study and go into the various aspects, the structure of power plants, and to restructure the Indian power industry. When did Mr. Pawar's committee submit the report? On what date the report was submitted? That must be in the Ministry of Energy. What were the recommendations? Why was the report not placed before the Parliament? Would he consider placing it before the Parliament? Again, what were the recommendations and has any action been taken on that report, and if so, what action has been taken? Thank you, Madam.

SHRI DIPANKAR MUKHERJEE (West Bengal): Madam, there are five considerations which have been put by the Minister of Power based on which the Maharashtra Government has opted to cancel this project. With respect to the

first consideration that no competitive bidding was resorted to, may I ask the hon. Minister of Power, whether it is not a fact that the Government of India had issued a guideline on the 18th January, 1995 making the competitive bidding route as mandatory? If that be the case, then, what is wrong with the competitive bidding on which this consideration has been given?

My second consideration is that the transactions in the PPA were clouded in secrecy. Does the Government of India feel that all these transactions were very transparent? Had it been so, the whole press reports against whom — the main charge which the Government of India is making of distortion and right now some of my friends and some press reports are like that — would not be like this. This has all happened because it was not transparent. Does the Government of India want that so far as such transactions are concerned, these should be totally transparent so that we don't have to depend on press reports?

Number 3, — I am not going into the environmental concern because I have not seen it. Number 4, the project was approved at an unrealistic capital cost. Is there any doubt on that? What is the reason for that? Why in the Orissa project or in the Cogentrix project, they are ticking off reduction in the capital cost? So, all these projects had this padding. Mr. Salve, the hon. Minister of Power, does not want me to quote from the Standing Committee's recommendations, but I would say that it was unanimous thought and we had gone to all these places. This was what came out, everyone, even a citizen of this country who may not be a technical man, knows that some padding has been there. This padding has been there right now in the Orissa project where they have their own Government.

On the question of tariff, my only question is — of course, the same has been asked by Shri Viren J. Shah and I am repeating the same — whether or not the payment part of that is in dollar terms? If 'yes', why?

Madam, while I am seeking clarifications, neither Mr. Singla nor Mr. Narayanasamy are there. As the hon. Minister of Power has pre-empted me from quoting from the recommendations of the 26th Standing Committee Report, I am not quoting. But, I can tell the House, especially this side of the House, "Please go through the 26th Standing Committee Report wherein the views of the Members of the Congress, BJP, CPI, CPM, etc., are there. I am a power engineer, I am saying that power is not Congress (I), BJP or CPM. Power is power. Please go through that to know what exactly the Government of India has done". If a man tries to commit suicide, it is punishable, but here is your party which is commiting suicide. Please stop them. This is my last request to you and nothing else.

SHRI M.A. BABY: Madam, there is a famous saying about power — power corrupts and absolute power corrupts absolutely. Is it that power corrupts and the private power corrupts absolutely? ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: What is private power and Government power? ...*(Interruptions)*...

SHRI SANATAN BISI (Orissa): Madam, nobody has asked about the liability. So, what about the liability?

THE DEPUTY CHAIRMAN: Should I tell you what my liability is now? Just now my liability is...

SHRI SANATAN BISI: Madam, nobody has raised the question of liability. I was listening to every Member.

THE DEPUTY CHAIRMAN: Mr. Syeed has got a statement lay on the Table of the House and then we have the reply. I remember that when we were having some discussions in the Business Advisory Committee, I was informed that as the hon. Minister of Power did not have the entire report at his disposal, he did not want to continue the discussion.

But then there was some insistence for some discussion. Thank God, the discussion continued and everybody, whether he gave his name in advance or not, has spoken and, I hope, is satisfied by speaking. I don't know how far the Minister of State would be *...(Interruptions)...* She doesn't have the papers. *...(Interruptions)...*

SHRI VIREN J. SHAH: She needs some papres. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: I know that he should have the papers from the State Government. That is what I was informed by the Secretary-General when the hon. Chairman was there. We thought that the Members wanted to have a ful-fledged discussion on this subject and once it was started it was not proper to stop the discussion half way through. All the Members whose names were there were allowed to seek clarifications.

THE DEPUTY CHAIRMAN: Yes, Mr. Ashok Mitra, can I help you? Do you want to ask something?

SHRI ASHOK MITRA: I seek your indulgence on a point of order. Madam, under Rule 54, I have moved a motion seeking disapproval of the Minister's statement made last Thursday. I would like to know the fate of that Motion.

THE DEPUTY CHAIRMAN: I do not think there is any *...(Interruptions)...*

SHRI ASHOK MITRA: If you kindly remember, last year we had faced a similar situation with respect to a statement made by the then Commerce Minister on the floor of this House and the issue was whether this House had the prerogative to disapprove a *suo motu* statement made by a Minister. You had promised to give your ruling Madam, but we are still waiting for it.

THE DEPUTY CHAIRMAN: At that time I gave my ruling. On a *suo motu* statement, it is only on a motion which is before discussion in the House, we can disapprove. You can disapprove to the extent that you say, "We do not accept your statement; we do not believe what you have said, or, it is far from truth." To that extent you can and you are free to do, *...(Interruptions)...* whatever you like. Beyond that, if there is any *suo motu* statement which is coming up before the House or even a discussion under 'Short Duration Discussion', and if it is not moved under a proper motion, it cannot be rejected because we are not asking for a rejection. So, your motion, if you have given notice, cannot be considered in this case because it is a *suo motu* statement which the Minister laid in the Lok Sabha and he is obliged to bring it to the Rajya Sabha also. Since in the Rajya Sabha there is a special permission for the Members, as convention, to ask for clarifications while the Lok Sabha Members do not ask for it. So, we do not have any special permission also to reject a statement.

SHRI ASHOK MITRA: Thank you. I am very grateful. I will not trouble you for the rest of the evening.

THE DEPUTY CHAIRMAN: I thought, 'for the rest of the Session.' I will allow you. Before that, if the House so agrees, we can allow the Minister of State for Home to lay his statement. Since it is a big statement, he needs overnight study. Tomorrow we are discussing the nexus between politics and crime. Tomorrow when we discuss the subject, we can discuss this subject together.

## STATEMENT BY MINISTER

### Crime and Law and Order Situation in the Country

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P.M. SAYEED): Madam, while taking up the discussion of Vohra Committee report tomorrow, the clarifications can also be taken up simultaneously. Will you give me permission to lay a statement on the Table, Madam?

THE DEPUTY CHAIRMAN: Yes, if the House agrees. Can he lay?